Submitting an appeal against results
The new grounds for appeal: a guide to the regulatory requirements

Introduction
The Code of Practice was withdrawn by Ofqual in August 2016. The Code of Practice served to set out the procedures awarding bodies were required to follow, and as such provided the basis on which appeals against results could be tested.

Since the withdrawal of the Code, Ofqual’s substituting regulatory requirements are spread across a number of documents which we have indexed in the tables below, based on their relevance to differing levels of qualification. The sections indexed are abstracts from the relevant regulatory documents and highlight the areas most typically cited in centres’ grounds of appeal.

This document is aimed at heads of schools/private candidates who are considering submitting an appeal against results, following the outcome of a review of marking or a review of moderation. It brings together the regulatory conditions and requirements and sets out those that, through experience, are most likely to be relevant to a school considering an appeal.

It is not intended that the requirements outlined are the only ones to which an individual may refer in an appeal application and heads/private candidates should, where appropriate, consult the full regulatory document, as listed, to consider whether or not they have grounds for making an appeal. Schools should also refer to the Joint Council for Qualifications’ Guide to the appeals process document for further advice about the appeals process, what happens at each stage and what tests will be applied when considering an appeal.

The main body of the document references individual conditions and sections of the published regulatory documents in relation to specific areas which are commonly cited in appeals against results. The extracts of the text from the conditions and guidance listed are then provided in the appendices.

We will update this document as new regulatory requirements come into force. For example, Ofqual have determined that GCSE English and Maths will pilot the extended, Project and A level grounds of appeal following the 2018 examinations, and that this is likely to be rolled out to the whole of GCSE following the 2019 examinations.

Documents referred to:

- General Conditions of Recognition – June 2016
- Guidance to the General Conditions of Recognition – July 2016
- Project Qualification Level Conditions and Requirements – June 2017
- Project Qualification Level Guidance – June 2017
- Pre-reform GCE Qualification Level Conditions and Requirements – June 2017
• **Pre-reform GCE Qualification Level Guidance** – August 2016
• **GCE Qualification Level Conditions and Requirements** – June 2017
• **GCE Qualification Level Guidance** – August 2016
• **GCSE (A* to G) Qualification Level Conditions and Requirements** – June 2017
• **GCSE (A* to G) Qualification Level Guidance** – August 2016
• **GCSE (9 to 1) Qualification Level Conditions and Requirements** – June 2017
• **GCSE (9 to 1) Qualification Level Guidance** – February 2017
• **Regulating GCSEs, AS and A levels: guide for schools and colleges**
A definition of the appeals process

The appeals process is different for GCSE and GCE. The following regulatory documents should be consulted for further information as to what forms a valid basis for an appeal and what test will be applied when the appeal is considered by AQA. Links are also provided to supporting guidance documents which you may find provide helpful additional explanation.

Prior to 2017, all appeals, at both GCSE and AS/A Level, had to be based on the grounds that AQA had not applied its own procedures, or those set out in the Code of Practice, appropriately. Ofqual has now determined that the Code of Practice no longer applies, and the regulatory documents hyper-linked in the table below provide the regulatory framework documents defining the relevant and available grounds of appeal, which now differ for Project, A level and some GCSEs on the one hand, and all other GCSEs on the other.

This is reflected in the “potential grounds for appeal” column below. “Procedural” signifies the old grounds of appeal, as required by the Code of Practice, which remain available for all categories of appeal.

A Marking Error is defined as:

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

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

A Moderation Error is defined as:

The arrival at an outcome of Moderation which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre’s marking of that evidence, the criteria against which Learners’ performance is differentiated and any procedure of the awarding organisation in relation to Moderation, including in particular where the arrival at an outcome of Moderation is based on –

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by Learners, where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

The hyper-linked documents in the table allow quick access to the Ofqual framework document which sets out, in detail, the basis on which you may appeal.
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<th>Potential grounds for appeal</th>
<th>Regulatory Documents and Conditions</th>
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</table>
| Project             | - Procedural               | Project Qualification Level Conditions and Requirements – June 2017  
|                     | - Moderation error         | Condition Project12  
|                     |                             | Condition Project19               | Project Qualification Level Guidance – June 2017  
|                     |                             | Guidance on considering Marking Errors on a review or appeal |
| GCE – pre-reform    | - Procedural               | Pre-reform GCE Qualification Level Conditions and Requirements – June 2017  
|                     | - Marking error            | Condition GCE(Pre-reform)11  
|                     | - Moderation error         | Condition GCE(Pre-reform)18               | Pre-reform GCE Qualification Level Guidance – August 2016  
|                     |                             | Guidance on considering Marking Errors on a review or appeal |
| GCE                 | - Procedural               | GCE Qualification Level Conditions and Requirements – June 2017  
|                     | - Marking error            | Condition GCE18  
|                     | - Moderation error         | Condition GCE26               | GCE Qualification Level Guidance – August 2016  
|                     |                             | Guidance on considering Marking Errors on a review or appeal |
| GCSE (A* to G)      | Procedural                 | GCSE (A* to G) Qualification Level Conditions and Requirements – June 2017  
|                     |                             | Condition GCSE(A* to G)10               | GCSE (A* to G) Qualification Level Guidance  
|                     |                             | Guidance on considering Marking Errors on a review or appeal |
| GCSE (9 to 1):      | - Procedural               | GCSE (9 to 1) Qualification Level Conditions and Requirements – June 2017  
| Eng Lang, Eng Lit and Maths | - Marking error | Condition GCSE18               | GCSE (9 to 1) Qualification Level Guidance  
|                     |                             | Guidance on considering Marking Errors on a review or appeal |
| GCSE (9 to 1):      | Procedural                 | GCSE (9 to 1) Qualification Level Conditions and Requirements – June 2017  
| all other subjects  |                             | Condition GCSE18               | GCSE (9 to 1) Qualification Level Guidance  
|                     |                             | Guidance on considering Marking Errors on a review or appeal |
# Marking assessments - external

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<thead>
<tr>
<th>Qualification level</th>
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| Project             | Project Qualification Level Conditions and Requirements – June 2017  
  **Condition Project4** |                                   |
| GCE – pre-reform    | Pre-reform GCE Qualification Level Conditions and Requirements – June 2017  
  **Condition GCE(Pre-reform)3** | Regulating GCSEs, AS and A levels:  
  A guide for schools and colleges  
  [Marking](#) |
| GCE                 | GCE Qualification Level Conditions and Requirements – June 2017  
  **Condition GCE10** |                                   |
| GCSE (A* to G)      | GCSE (A* to G) Qualification Level Conditions and Requirements – June 2017  
  **Condition GCSE(A* to G)2** |                                   |
| GCSE (9 to 1)       | GCSE (9 to 1) Qualification Level Conditions and Requirements – June 2017  
  **Condition GCSE10** |                                   |
# Marking assessments - internal

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</table>
| Project             | Project Qualification Level Conditions and Requirements – June 2017
                      Conditions [Project5 and 7] |                                    |
| GCE – pre-reform    | Pre-reform GCE Qualification Level Conditions and Requirements – June 2017
                      Conditions [GCE(Pre-reform)4 and 6] | Regulating GCSEs, AS and A levels
                      A guide for schools and colleges
                      Moderation                                      |
| GCE                 | GCE Qualification Level Conditions and Requirements – June 2017
                      Conditions [GCE10, 11 and 13] |                                    |
| GCSE (A* to G)      | GCSE (A* to G) Qualification Level Conditions and Requirements – June 2017
                      Conditions [GCSE(A* to G)2, 3 and 5] |                                    |
| GCSE (9 to 1)       | GCSE (9 to 1) Qualification Level Conditions and Requirements – June 2017
                      Conditions [GCSE10, 11 and 13] |                                    |
### Reviews of marking

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<td>June 2017 Conditions <strong>Project11</strong></td>
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<td>and <strong>19</strong></td>
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<td>GCE – pre-reform</td>
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<td>reform)10 and <strong>18</strong></td>
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<td>GCE</td>
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<td>GCE Qualification Level Conditions</td>
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<td>and Requirements – June 2017</td>
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<td>Conditions <strong>GCE17</strong> and <strong>26</strong></td>
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<tr>
<td>GCSE (A* to G)</td>
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<td>GCSE (A* to G) Qualification</td>
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<td>Level Conditions and Requirements</td>
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<td>– June 2017 Condition *<em>GCSE(A</em> to</td>
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<td>GCSE (9 to 1)</td>
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<td>GCSE (9 to 1) Qualification Level</td>
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<td>Conditions and Requirements – June</td>
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<td>2017 Condition <strong>GCSE17</strong></td>
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Guidance to the General Conditions of Recognition – July 2016

Guidance on making changes to incorrect results

Guidance on considering Marking Errors on a review or appeal

Regulating GCSEs, AS and A levels

A guide for schools and colleges

Reviews of marking
## Reviews of moderation

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<tr>
<td>Project</td>
<td>Project Qualification Level Conditions and Requirements – June 2017 <strong>Conditions Project8 and 19</strong></td>
<td>Project Qualification Level Guidance – June 2017 <strong>Guidance on considering Marking Errors on a review or appeal</strong></td>
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<tr>
<td></td>
<td>Pre-reform GCE Qualification Level Conditions and Requirements – June 2017 <strong>Conditions GCE(Pre-reform)7 and 18</strong></td>
<td>Pre-reform GCE Qualification Level Guidance – August 2016 <strong>Guidance on considering Marking Errors on a review or appeal</strong></td>
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<tr>
<td>GCE</td>
<td>GCE Qualification Level Conditions and Requirements – June 2017 <strong>Conditions GCE14 and 26</strong></td>
<td>GCE Qualification Level Guidance – August 2016 <strong>Guidance on considering Marking Errors on a review or appeal</strong></td>
</tr>
<tr>
<td>GCSE (A* to G)</td>
<td>GCSE (A* to G) Qualification Level Conditions and Requirements – June 2017 <em><em>Condition GCSE(A</em> to G)6</em>*</td>
<td>GCSE (A* to G) Qualification Level Guidance <strong>Guidance on considering Marking Errors on a review or appeal</strong></td>
</tr>
<tr>
<td>GCSE (9 to 1)</td>
<td>GCSE (9 to 1) Qualification Level Conditions and Requirements – June 2017 <strong>Condition GCSE14</strong></td>
<td>GCSE (9 to 1) Qualification Level Guidance <strong>Guidance on considering Marking Errors on a review or appeal</strong></td>
</tr>
</tbody>
</table>
Appendix A

The extracts in the following appendices reflect the Conditions and guidance sections highlighted in the tables earlier in this document and bring all referenced sections from one document together. Full versions of the documents can be accessed via the links in the footnotes.

Extract from Ofqual’s General Conditions of Recognition\(^1\)

Section H  From marking to issuing results

Condition H1  Marking the assessment

Marking

H1.1  For each qualification which it makes available, an awarding organisation must have in place effective arrangements to ensure that, as far as possible, the criteria against which Learners’ performance will be differentiated are –

(a) understood by Assessors and accurately applied, and

(b) applied consistently by Assessors, regardless of the identity of the Assessor, Learner or Centre.

Marking options

H1.2  Where –

(a) an awarding organisation offers an option as to tasks which may be completed by a Learner in an assessment or as to assessments which may be completed by the Learner (including units),

(b) the awarding organisation reasonably concludes that there is a material inconsistency between the Level of Demand of two optional tasks or assessments, and

(c) it is likely that the inconsistency will prejudice a group of Learners,

the awarding organisation must make a reasonable alteration to the criteria against which Learners’ performance will be differentiated for the optional task or assessment so as to prevent that prejudice from occurring.

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H1.3 Where such a reasonable alteration is made for an optional task or assessment, an awarding organisation must ensure that the alteration is applied uniformly in the marking of every task or assessment in relation to which a Learner has taken that option.

**Condition H2 Moderation where an assessment is marked by a Centre**

H2.1 Where evidence generated by a Learner in an assessment for a qualification made available by an awarding organisation is marked by a Centre, the awarding organisation must have in place clear and effective arrangements to undertake Moderation of the assessment.

H2.2 An awarding organisation must ensure that any such Moderation which it undertakes allows it effectively to determine whether or not –

(a) the assessment remains fit for purpose, and

(b) the criteria against which Learners’ performance is differentiated are being applied accurately and consistently by Assessors in different Centres, regardless of the identity of the Assessor, Learner, or Centre.

H2.3 An awarding organisation must –

(a) ensure that any such Moderation which it undertakes ensures that it is able to make any necessary changes to a Centre’s marking of evidence generated by a Learner in an assessment, and

(b) make such a change wherever it considers it necessary in order to ensure that the assessment remains fit for purpose or that the criteria against which Learners’ performance is differentiated are being applied accurately and consistently.

**Condition H5 Results for a qualification must be based on sufficient evidence**

H5.1 An awarding organisation must ensure that the result of each assessment taken by a Learner in relation to a qualification which the awarding organisation makes available reflects the level of attainment demonstrated by that Learner in the assessment.

H5.2 An awarding organisation must ensure that –
(a) the marking of an assessment in relation to, and

(b) the awarding of;

a qualification which it makes available takes into account all admissible evidence generated by a Learner as part of that assessment.

H5.3 Where an awarding organisation sets a rule as to the quantity or type of evidence generated by Learners which will be admissible in an assessment, it must ensure that –

(a) the assessment makes the rule clear, and

(b) the rule is applied to all Learners taking the assessment (other than where any Reasonable Adjustments or Special Consideration require it to be altered).

H5.4 Where an awarding organisation sets a rule as to how the final mark for a qualification will be calculated from marks for different assessments, it must ensure that –

(a) the qualification makes the rule clear, and

(b) the rule is applied to all Learners taking the qualification (other than where any Reasonable Adjustments or Special Consideration require it to be altered).

Condition H6  Issuing results

H6.1 An awarding organisation must, in relation to any qualification which it makes available –

(a) issue results for all units and qualifications,

(b) publish expected dates or timescales for the issue of those results,

(c) issue results which are clear and readily capable of being understood by Users of qualifications,

(d) issue results which accurately and completely reflect the marking of assessments (including the outcome of any Moderation and other quality assurance process),

(e) ensure that the issue of results is timely, and
(f) take all reasonable steps to meet any date or timescale it has published for the issue of results.
Appendix B

Extract from Ofqual’s *Project Qualification Level Conditions and Requirements*²

<table>
<thead>
<tr>
<th>Condition Project</th>
<th>Marking arrangements</th>
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<tbody>
<tr>
<td>Project 4.1</td>
<td>In respect of each project qualification which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that, in respect of an assessment other than an assessment marked by a Centre –</td>
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<tr>
<td></td>
<td>(a) all marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the marking,</td>
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<td>(b) prior to carrying out any marking, each Assessor shall be provided with training,</td>
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<td>(c) the awarding organisation shall monitor whether or not the criteria against which the Learners’ performance is differentiated are being understood and accurately applied by Assessors,</td>
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<td>(d) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to accurately apply the criteria against which the Learners’ performance is differentiated, it shall take all reasonable steps to –</td>
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<td>(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and</td>
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<td></td>
<td>(ii) ensure that the failure does not recur in the future,</td>
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<td></td>
<td>(e) the awarding organisation shall monitor whether or not the criteria against which the Learners’ performance is differentiated are being applied consistently by Assessors, and</td>
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<tr>
<td></td>
<td>(f) where the awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners’ performance is differentiated are not being applied consistently by Assessors, it shall take all reasonable steps to promote consistency in the future.</td>
</tr>
</tbody>
</table>

**Project 4.2** In respect of each project qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that prior to the marking of the assessment the awarding organisation makes available training to the Centre.

**Project 4.3** In respect of each project qualification which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not Assessors are marking in a manner which is compliant with the awarding organisation’s Conditions of Recognition.

**Condition Project 5** **Moderation arrangements**

**Project 5.1** In respect of each project qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H2.1 provide that –

(a) all Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Moderation,

(b) a person who was previously involved in a Centre’s marking of an assessment must not be involved in Moderation in respect of that marking,

(c) prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided with training,

(d) prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of –

(i) any evidence generated by Learners which is to be considered for the purpose of Moderation or, where such evidence is not held or cannot readily be copied, a representation of the evidence in another form,

(ii) the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) any comments which Assessors recorded during the marking of that evidence, and
the criteria against which Learners’ performance is differentiated,

the awarding organisation shall monitor whether or not Moderation is being carried out in a manner which is compliant with General Condition H2,

where the awarding organisation learns, through its monitoring or otherwise, that Moderation has not been carried out in a manner which is compliant with General Condition H2, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

the awarding organisation shall monitor whether or not the persons who are carrying out Moderation are making determinations which are consistent over time and consistent with determinations made by each other, and

where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out Moderation, it shall take all reasonable steps to promote consistency in the future.

Project 5.2 In respect of each project qualification involving Moderation which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not persons carrying out Moderation are doing so in a manner which is compliant with the awarding organisation’s Conditions of Recognition.

Condition Project 7 Notification of Moderation outcome

Project 7.1 In respect of each project qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period for the Centre to consider whether to request a review of Moderation, taking into account any date by which the awarding organisation requires such a request to be received.
Project7.2 The notification which an awarding organisation provides for the purposes of Condition Project7.1 must specify the reasons for the outcome of Moderation.

Condition Project8 Review of Moderation

Project8.1 In respect of each project qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

Project8.2 The arrangements may –

(a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,

(b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and

(c) specify a date by which a review of Moderation must be requested.

Project8.3 Where the arrangements specify a date by which a review of Moderation must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the project qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.
The arrangements must provide that, on carrying out a review of Moderation –

(a) the awarding organisation shall determine, in respect of the Moderation it undertook of the Centre’s marking of the assessment, whether the Moderation included any Moderation Error,

(b) where the awarding organisation has determined that the Moderation did not include any Moderation Error, it shall make no changes to the outcome of Moderation,

(c) where the awarding organisation has determined that the Moderation included a Moderation Error, it shall make changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but shall make no other changes to the outcome of Moderation, and

(d) the awarding organisation shall document the reasons for any determination and for any change to the outcome of Moderation.
Project8.5 | The arrangements must provide that –

(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) a person who was previously involved in the Centre’s marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,

(c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,

(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with –

(i) a copy of any evidence generated by Learners (or any representation of such evidence) which was considered for the purpose of the Moderation,

(ii) a copy of the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) a copy of any comments which Assessors recorded during the marking of that evidence,

(iv) a copy of the criteria against which Learners’ performance is differentiated, and

(v) the outcome of Moderation and the reasons for that outcome,

(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to –
(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(i) the awarding organisation reports to the Centre both the outcome of the review of Moderation and, either together with that outcome or later, the reasons documented when the review of Moderation was carried out, and

(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it considers to be a Marking Error in the marking of an assessment, the awarding organisation includes details of the Marking Error in its report to the Centre on the outcome of the review of Moderation.

Project 8.6 The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified.

Project 8.7 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of Moderation must be requested,

(b) any date by which a review of Moderation must be requested,
(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review,

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target for the time period following a request for a review of Moderation within which the awarding organisation will have reported the outcome of the review to the Centre and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

Application

Project8.8

Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition Project8.6 shall be replaced with ‘The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified, provided...
that a Learner’s result shall not be updated so as to lower that result’.

Project 8.9 Any such notice published by Ofqual may be –

(a) issued in respect of one or more project qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition Project 11 Review of marking of Marked Assessment Material

Project 11.1 In respect of each project qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of that Learner’s Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such a review.

Project 11.2 The arrangements may –

(a) provide that where Marked Assessment Material relates to an assessment which has been delivered by a Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner’s behalf),

(b) provide that the awarding organisation shall only carry out a review of marking of Marked Assessment Material on payment of a fee,

(c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and

(d) specify a date by which a review of marking must be requested.
Project11.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the project qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

Project11.4 The arrangements must provide that, on carrying out a review of marking of Marked Assessment Material –

(a) the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error,

(b) where the Assessor has determined that the marking of the assessment did not include any Marking Error, the Assessor shall make no changes to the mark awarded,

(c) where the Assessor has determined that the marking of the assessment included a Marking Error, the Assessor shall correct the effect of the Marking Error but make no other changes to the mark awarded, and

(d) the Assessor shall document the reasons for any determination and for any change of mark.

Project11.5 The arrangements must provide that –

(a) all reviews of marking of Marked Assessment Material will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner’s Marked Assessment Material in respect of that task,
(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,

(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and a copy of the criteria against which Learners’ performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between Assessors, it shall take all reasonable steps to promote consistency in the future,

(i) where the outcome of a review of marking is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner’s result, and

(j) the awarding organisation reports to the Learner (or as the case may be the Relevant Centre) both the outcome of the review of marking, specifying any change in mark and any change in result, and, either together with that outcome or later, the reasons documented by the Assessor carrying out the review.

Project11.6 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must be requested,
(b) any date by which a review of marking must be requested,
(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,
(d) the training which the awarding organisation will provide to Assessors prior to carrying out a review of marking,
(e) the monitoring which the awarding organisation will carry out of Assessors carrying out reviews of marking,
(f) the action which the awarding organisation will take where it learns that an Assessor is failing to carry out reviews of marking in accordance with this condition,
(g) the action which the awarding organisation will take where it learns that determinations are not being made consistently over time or between Assessors, and
(h) the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre) and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.
Application

Project 11.7 Until 12.00am on 1 May 2020 –

(a) Condition Project 11.5(j) shall be replaced with ‘the awarding organisation shall –

(i) report to the Learner (or as the case may be the Relevant Centre) the outcome of the review of marking, specifying any change in mark and any change in result, and

(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’,

(b) Condition Project 11.6(b) shall be replaced with ‘any date by which a review of marking must be requested and any time period during which a request for the reporting of reasons in respect of the review must be received’, and

(c) Condition Project 11.6(h) shall be replaced with ‘the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be

Condition Project 12 Appeals process for project qualifications

Project 12.1 In respect of each project qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.
In respect of each project qualification which it makes available, or proposes to make available, in addition to the other arrangements which are required to be established, maintained and complied with in accordance with the Project Qualification Level Conditions, an awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –

(a) the outcome of any Moderation of a Centre's marking of an assessment, following a review of Moderation in respect of that marking,

(b) the result for any assessment in respect of a Learner, following a review of marking of Marked Assessment Material in respect of that assessment,

(c) decisions regarding Reasonable Adjustments and Special Consideration, and

(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

The appeals process may –

(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,

(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and

(c) specify a time period during which an appeal must be requested.

Where the arrangements specify a time period during which an appeal must be requested, the time period must –

(a) be reasonable, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.
(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,

(b) all appeal decisions to be taken by persons who were not previously involved in any marking, Moderation, review of marking of Marked Assessment Material or review of Moderation regarding an assessment in respect of a Learner to which the appeal relates,

(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and

(d) the awarding organisation to report the outcome of an appeal to the Learner (or as the case may be the Relevant Centre), detailing the reasons for that outcome.

Project12.6 The appeals process must not allow a specified level of attainment which has been set for the project qualification to be changed.

Project12.7 For the purposes of Condition Project12.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis –

(a) that the Moderation (or as the case may be the review of Moderation) included a Moderation Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any exercise of academic judgment in relation to the outcome of Moderation shall not constitute the application or following of a procedure.

Project12.8 For the purposes of Condition Project12.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre.

Project12.9 For the purposes of Condition Project12.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis –

(a) that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error, and
(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes –

(i) any procedures in respect of the setting of specified levels of attainment for the project qualification shall be excluded, and

(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application or following of a procedure.

Project12.10 For the purposes of Conditions Project12.2(b) to Project12.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by a Relevant Centre, any request for an appeal in respect of a Learner relating to the assessment must be made by the Relevant Centre (on the Learner’s behalf).

Project12.11 An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –

(a) how any request for an appeal must be made,

(b) any time period during which an appeal must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the target for the time period following a request for an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(e) the target for the time period following receipt of all evidence in respect of an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

Application

Project12.12 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition Project12.8 shall be replaced with “For the purposes of Condition Project12.2(a), the appeals process which an awarding organisation has in place must provide –”
(a) for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre, and

(b) that, following the outcome of an appeal, a Learner’s result shall not be updated so as to lower that result’.

Project12.13 Any notice published by Ofqual under Condition Project12.12 may be –

(a) issued in respect of one or more project qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition Project19 Interpretation and Definitions

Project19.1 The rules of interpretation and definitions outlined in General Condition J1 shall apply to the Project Qualification Level Conditions.

Project19.2 Except in the circumstances described in Condition Project19.3, the requirements imposed by the Project Qualification Level Conditions apply in addition to the requirements imposed by the General Conditions of Recognition.

Project19.3 To the extent that there is any inconsistency between a requirement of a Project Qualification Level Condition and a requirement of a General Condition of Recognition, such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the Project Qualification Level Condition and is not obliged to comply with the requirement of the General Condition of Recognition.

Project19.4 In these Conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

Administrative Error

An error in the marking of an assessment which is either –

(a) a failure to mark a task forming part of the assessment, or

(b) a failure to correctly calculate the total mark for the assessment from the marks which were awarded by the Assessor for the tasks forming part of the assessment.

Administrative Error Review
A review to determine whether the marking recorded in Marked Assessment Material contains an Administrative Error.

Marked Assessment Material

In relation to an assessment for a project qualification taken by a Learner, other than an assessment where evidence generated by a Learner is marked by a Centre, material comprising –

(a) a copy of any evidence generated by the Learner in the assessment which is held by the awarding organisation or, where evidence generated by the Learner in the assessment is not held or cannot readily be copied, a representation of the evidence in another form,

(b) a copy of the record of the awarding of marks made by the Assessor when the evidence generated by the Learner was marked, and

(c) a copy of any comments which the Assessor recorded during the marking of the evidence generated by the Learner.

Marking Error

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

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

Moderation Error

The arrival at an outcome of Moderation which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre’s marking of that evidence, the criteria against which Learners’ performance is differentiated and any procedure of the awarding organisation in relation to Moderation, including in particular where the arrival at an outcome of Moderation is based on –

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by Learners, where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.
Relevant Centre

In relation to a Learner, a Centre which –

(a) has purchased the project qualification (on behalf of the Learner), and

(b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

Review Arrangements

In relation to a project qualification, the arrangements which an awarding organisation is required to establish, maintain and comply with in accordance with –

(a) Condition Project8 (Review of Moderation),

(b) Condition Project9 (Making Marked Assessment Materials available to Learners),

(c) Condition Project10 (Administrative Error Review), and

(d) Condition Project11 (Review of marking of Marked Assessment Material).
Appendix C

Extract from Ofqual’s *Pre-reform GCE Qualification Level Conditions and Requirements*³

Condition GCE(Pre-reform)3  Marking arrangements

GCE(Pre-reform)3.1 In respect of each GCE qualification which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that, in respect of an assessment other than an assessment marked by a Centre
–

(a) all marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the marking,

(b) prior to carrying out any marking, each Assessor shall be provided with training,

(c) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being understood and accurately applied by Assessors,

(d) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to accurately apply the criteria against which the Learners' performance is differentiated, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(e) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being applied consistently by Assessors, and

(f) where the awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners' performance is differentiated are not being applied consistently by Assessors, it shall take all reasonable steps to promote consistency in the future.

GCE(Pre-reform)3.2 In respect of each GCE qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that prior to the marking of the assessment the awarding organisation makes available training to the Centre.

GCE(Pre-reform)3.3 In respect of each GCE qualification which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not Assessors are marking in a manner which is compliant with the awarding organisation's Conditions of Recognition.

Condition GCE(Pre-reform)4 Moderation arrangements

GCE(Pre-reform)4.1 In respect of each GCE qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H2.1 provide that –

(a) all Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Moderation,

(b) a person who was previously involved in a Centre’s marking of an assessment must not be involved in Moderation in respect of that marking,

(c) prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided with training,

(d) prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of –
(i) any evidence generated by Learners which is to be considered for the purpose of Moderation or, where such evidence is not held or cannot readily be copied, a representation of the evidence in another form,

(ii) the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) any comments which Assessors recorded during the marking of that evidence, and

(iv) the criteria against which Learners’ performance is differentiated,

(e) the awarding organisation shall monitor whether or not Moderation is being carried out in a manner which is compliant with General Condition H2,

(f) where the awarding organisation learns, through its monitoring or otherwise, that Moderation has not been carried out in a manner which is compliant with General Condition H2, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out Moderation are making determinations which are consistent over time and consistent with determinations made by each other, and

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out Moderation, it shall take all reasonable steps to promote consistency in the future.

GCE(Pre-reform)4.2 In respect of each GCE qualification involving Moderation which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not persons carrying out Moderation are doing so in a manner which is
compliant with the awarding organisation's Conditions of Recognition.

**Condition GCE(Pre-reform)6  Notification of Moderation outcome**

**GCE(Pre-reform)6.1**  In respect of each GCE qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period for the Centre to consider whether to request a review of Moderation, taking into account any date by which the awarding organisation requires such a request to be received.

**GCE(Pre-reform)6.2**  The notification which an awarding organisation provides for the purposes of Condition GCE(Pre-reform)6.1 must specify the reasons for the outcome of Moderation.

**Condition GCE(Pre-reform)7  Review of Moderation**

**GCE(Pre-reform)7.1**  In respect of each GCE qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

**GCE(Pre-reform)7.2**  The arrangements may –

(a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,

(b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and

(c) specify a date by which a review of Moderation must be requested.
GCE(Pre-reform)7.3 Where the arrangements specify a date by which a review of Moderation must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the GCE qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE(Pre-reform)7.4 The arrangements must provide that, on carrying out a review of Moderation –

(a) the awarding organisation shall determine, in respect of the Moderation it undertook of the Centre’s marking of the assessment, whether the Moderation included any Moderation Error,

(b) where the awarding organisation has determined that the Moderation did not include any Moderation Error, it shall make no changes to the outcome of Moderation,

(c) where the awarding organisation has determined that the Moderation included a Moderation Error, it shall make changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but shall make no other changes to the outcome of Moderation, and

(d) the awarding organisation shall document the reasons for any determination and for any change to the outcome of Moderation.

GCE(Pre-reform)7.5 The arrangements must provide that –

(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) a person who was previously involved in the Centre’s marking of an assessment or in Moderation in respect of that
marking must not be involved in a review of Moderation in respect of that marking,

(c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,

(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with –

(i) a copy of any evidence generated by Learners (or any representation of such evidence) which was considered for the purpose of the Moderation,

(ii) a copy of the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) a copy of any comments which Assessors recorded during the marking of that evidence,

(iv) a copy of the criteria against which Learners’ performance is differentiated, and

(v) the outcome of Moderation and the reasons for that outcome,

(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,
(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(i) the awarding organisation reports to the Centre both the outcome of the review of Moderation and, either together with that outcome or later, the reasons documented when the review of Moderation was carried out, and

(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it considers to be a Marking Error in the marking of an assessment, the awarding organisation includes details of the Marking Error in its report to the Centre on the outcome of the review of Moderation.

GCE(Pre-reform)7.6 The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified.

GCE(Pre-reform)7.7 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of Moderation must be requested,

(b) any date by which a review of Moderation must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,
(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target for the time period following a request for a review of Moderation within which the awarding organisation will have reported the outcome of the review to the Centre and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.
Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCE(Pre-reform)7.6 shall be replaced with ‘The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified,

provided that a Learner’s result shall not be updated so as to lower that result’.

Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCE qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.
Condition GCE(Pre-reform)10   Review of marking of Marked Assessment Material

GCE(Pre-reform)10.1 In respect of each GCE qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of that Learner’s Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such a review.

GCE(Pre-reform)10.2 The arrangements may –

(a) provide that where Marked Assessment Material relates to an assessment which has been delivered by a Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner’s behalf),

(b) provide that the awarding organisation shall only carry out a review of marking of Marked Assessment Material on payment of a fee,

(c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and

(d) specify a date by which a review of marking must be requested.
GCE(Pre-reform)10.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the GCE qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE(Pre-reform)10.4 The arrangements must provide that, on carrying out a review of marking of Marked Assessment Material –

(a) the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error,

(b) where the Assessor has determined that the marking of the assessment did not include any Marking Error, the Assessor shall make no changes to the mark awarded,

(c) where the Assessor has determined that the marking of the assessment included a Marking Error, the Assessor shall correct the effect of the Marking Error but make no other changes to the mark awarded, and

(d) the Assessor shall document the reasons for any determination and for any change of mark.
GCE(Pre-reform)10.5

The arrangements must provide that –

(a) all reviews of marking of Marked Assessment Material will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner’s Marked Assessment Material in respect of that task,

(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,

(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and a copy of the criteria against which Learners’ performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being
made consistently over time or between Assessors, it shall take all reasonable steps to promote consistency in the future,

(i) where the outcome of a review of marking is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner’s result, and

(j) the awarding organisation reports to the Learner (or as the case may be the Relevant Centre) both the outcome of the review of marking, specifying any change in mark and any change in result, and, either together with that outcome or later, the reasons documented by the Assessor carrying out the review.

GCE(Pre-reform)10.6 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must be requested,

(b) any date by which a review of marking must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to Assessors prior to carrying out a review of marking,

(e) the monitoring which the awarding organisation will carry out reviews of marking,

(f) the action which the awarding organisation will take where it learns that an Assessor is failing to carry out reviews of marking in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations are not being made consistently over time or between Assessors, and

(h) the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review.
Learner (or as the case may be the Relevant Centre) and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

**Application**

GCE(Pre-reform)10.7 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCE(Pre-reform)10.5(j) shall be replaced with ‘the awarding organisation shall –

(i) report to the Learner (or as the case may be the Relevant Centre) the outcome of the review of marking, specifying any change in mark and any change in result, and

(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’,

(b) Condition GCE(Pre-reform)10.6(b) shall be replaced with ‘any date by which a review of marking must be requested and any time period during which a request for the reporting of reasons in respect of the review must be received’, and

(c) Condition GCE(Pre-reform)10.6(h) shall be replaced with ‘the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre)’.

GCE(Pre-reform)10.8 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCE qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.
### Condition GCE(Pre-reform)11  Appeals process for GCE qualifications

<table>
<thead>
<tr>
<th>GCE(Pre-reform)11.1</th>
<th>In respect of each GCE qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GCE(Pre-reform)11.2</td>
<td>In respect of each GCE qualification which it makes available, or proposes to make available, in addition to the other arrangements which are required to be established, maintained and complied with in accordance with the GCE (Pre-reform) Qualification Level Conditions, an awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –</td>
</tr>
</tbody>
</table>

(a) the outcome of any Moderation of a Centre's marking of an assessment, following a review of Moderation in respect of that marking,

(b) the result for any assessment in respect of a Learner, following a review of marking of Marked Assessment Material in respect of that assessment,

(c) decisions regarding Reasonable Adjustments and Special Consideration, and

(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

<table>
<thead>
<tr>
<th>GCE(Pre-reform)11.3</th>
<th>The appeals process may –</th>
</tr>
</thead>
</table>

(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,

(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and

(c) specify a time period during which an appeal must be requested. |
GCE(Pre-reform)11.4 Where the arrangements specify a time period during which an appeal must be requested, the time period must –

(a) be reasonable, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE(Pre-reform)11.5 The appeals process must provide for –

(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,

(b) all appeal decisions to be taken by persons who were not previously involved in any marking, Moderation, review of marking of Marked Assessment Material or review of Moderation regarding an assessment in respect of a Learner to which the appeal relates,

(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and

(d) the awarding organisation to report the outcome of an appeal to the Learner (or as the case may be the Relevant Centre), detailing the reasons for that outcome.

GCE(Pre-reform)11.6 The appeals process must not allow a specified level of attainment which has been set for the GCE qualification to be changed.
GCE(Pre-reform)11.7

For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis –

(a) that the Moderation (or as the case may be the review of Moderation) included a Moderation Error,

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any exercise of academic judgment in relation to the outcome of Moderation shall not constitute the application or following of a procedure.

GCE(Pre-reform)11.8

For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre.
GCE(Pre-reform)11.9  For the purposes of Condition GCE(Pre-reform)11.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis –

(a) that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes –

(i) any procedures in respect of the setting of specified levels of attainment for the GCE qualification shall be excluded, and

(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application or following of a procedure.

GCE(Pre-reform)11.10 For the purposes of Conditions GCE(Pre-reform)11.2(b) to GCE(Pre-reform)11.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by a Relevant Centre, any request for an appeal in respect of a Learner relating to the assessment must be made by the Relevant Centre (on the Learner’s behalf).

GCE(Pre-reform)11.11 An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –

(a) how any request for an appeal must be made,

(b) any time period during which an appeal must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,
(d) the target for the time period following a request for an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(e) the target for the time period following receipt of all evidence in respect of an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

Application

GCE(Pre-reform)11.12

In respect of each GCE qualification which is made available by an awarding organisation which is not a Pilot GCE Qualification, until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCE(Pre-reform)11.7 shall be replaced with

‘For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly’, and

(b) Condition GCE(Pre-reform)11.9 shall be replaced with

‘For the purposes of Condition GCE(Pre-reform)11.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any procedures in respect of the setting of specified levels of attainment for the GCE qualification shall be excluded’.
GCE(Pre-reform)11.13 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCE(Pre-reform)11.8 shall be replaced with 'For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide –

(a) for any request for an appeal of the outcome of Moderation of a Centre's marking of an assessment to be made by the Centre, and

(b) that, following the outcome of an appeal, a Learner's result shall not be updated so as to lower that result'.

GCE(Pre-reform)11.14 Any notice published by Ofqual under Condition GCE(Pre-reform)11.12 or Condition GCE(Pre-reform)11.13 may be –

(a) issued in respect of one or more GCE qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Notice in respect of Condition GCE(Pre-reform)11.12

About this notice

This notice is issued under Condition GCE(Pre-reform)11.12 and applies to all awarding organisations and in respect of all GCE qualifications accredited by Ofqual prior to 26 May 2014.

Terms in this notice have the same meaning as given to them in the General Conditions of Recognition, including the Qualification Level Conditions.

Decisions

The following Conditions shall come into effect at 12:01am on 17 August 2017:

Condition GCE(Pre-reform)11.7
Condition GCE(Pre-reform)11.9
For the avoidance of doubt, the replacement wording set out in Conditions GCE(Pre-reform)11.12(a) and GCE(Pre-reform)11.12(b) shall cease to apply from 12.01am on 17 August 2017.

**Condition GCE(Pre-reform)18  Interpretation and definitions**

**GCE(Pre-reform)18.1** The rules of interpretation and definitions outlined in General Condition J1 shall apply to the GCE (Pre-reform) Qualification Level Conditions.

**GCE(Pre-reform)18.2** Except in the circumstances described in Condition GCE(Pre-reform)18.3, the requirements imposed by the GCE (Pre-reform) Qualification Level Conditions apply in addition to the requirements imposed by the General Conditions of Recognition.

**GCE(Pre-reform)18.3** To the extent that there is any inconsistency between a requirement of a GCE (Pre-reform) Qualification Level Condition and a requirement of a General Condition of Recognition, such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the GCE (Pre-reform) Qualification Level Condition and is not obliged to comply with the requirement of the General Condition of Recognition.

**GCE(Pre-reform)18.4** In these Conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

**Administrative Error**

An error in the marking of an assessment which is either –

(a) a failure to mark a task forming part of the assessment, or

(b) a failure to correctly calculate the total mark for the assessment from the marks which were awarded by the Assessor for the tasks forming part of the assessment.

**Administrative Error Review**

A review to determine whether the marking recorded in Marked Assessment Material contains an Administrative Error.
Marked Assessment Material

In relation to an assessment for a GCE qualification taken by a Learner, other than an assessment where evidence generated by a Learner is marked by a Centre, material comprising –

(a) a copy of any evidence generated by the Learner in the assessment which is held by the awarding organisation or, where evidence generated by the Learner in the assessment is not held or cannot readily be copied, a representation of the evidence in another form,

(b) a copy of the record of the awarding of marks made by the Assessor when the evidence generated by the Learner was marked, and

(c) a copy of any comments which the Assessor recorded during the marking of the evidence generated by the Learner.

Marking Error

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

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

Moderation Error

The arrival at an outcome of Moderation which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre’s marking of that evidence, the criteria against which Learners’ performance is differentiated and any procedure of the awarding organisation in relation to Moderation, including in particular where the arrival at an outcome of Moderation is based on –

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by Learners where that failure did not involve the exercise of academic judgment, or
(c) an unreasonable exercise of academic judgment.

Pilot GCE Qualification

A GCE A level qualification which is a GCE A level qualification in Geography, a GCE A level qualification in Physics or a GCE A level qualification in Religious Studies.

Relevant Centre

In relation to a Learner, a Centre which –

(a) has purchased the GCE qualification (on behalf of the Learner), and

(b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

Review Arrangements

In relation to a GCE qualification, the arrangements which an awarding organisation is required to establish, maintain and comply with in accordance with –

(a) Condition GCE(Pre-reform)7 – Review of Moderation,

(b) Condition GCE(Pre-reform)8 – Making Marked Assessment Materials available to Learners,

(c) Condition GCE(Pre-reform)9 – Administrative Error Review, and

(d) Condition GCE(Pre-reform)10 – Review of marking of Marked Assessment Material.
Appendix D

Extract from Ofqual’s *GCE Qualification Level Conditions and Requirements*4

**Condition GCE10  Marking arrangements**

GCE 10.1  In respect of each GCE Qualification which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that, in respect of an assessment other than an assessment marked by a Centre –

(a)  all marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the marking,

(b)  prior to carrying out any marking, each Assessor shall be provided with training,

(c)  the awarding organisation shall monitor whether or not the criteria against which the Learners’ performance is differentiated are being understood and accurately applied by Assessors,

(d)  where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to accurately apply the criteria against which the Learners’ performance is differentiated, it shall take all reasonable steps to –

   (i)  correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii)  ensure that the failure does not recur in the future,

(e)  the awarding organisation shall monitor whether or not the criteria against which the Learners’ performance is differentiated are being applied consistently by Assessors, and

(f)  where the awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners’ performance is

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differentiated are not being applied consistently by Assessors, it shall take all reasonable steps to promote consistency in the future.

GCE 10.2 In respect of each GCE Qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that prior to the marking of the assessment the awarding organisation makes available training to the Centre.

GCE 10.3 In respect of each GCE Qualification which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not Assessors are marking in a manner which is compliant with the awarding organisation's Conditions of Recognition.

Condition GCE11 Moderation arrangements

GCE 11.1 In respect of each GCE Qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H2.1 provide that –

(a) all Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Moderation,

(b) a person who was previously involved in a Centre’s marking of an assessment must not be involved in Moderation in respect of that marking,

(c) prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided with training,

(d) prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of –

(i) any evidence generated by Learners which is to be considered for the purpose of Moderation or, where such evidence is not held or cannot readily be copied, a representation of the evidence in another form,

(ii) the record of the awarding of marks made by Assessors when that evidence was marked,
(iii) any comments which Assessors recorded during the marking of that evidence, and

(iv) the criteria against which Learners' performance is differentiated,

(e) the awarding organisation shall monitor whether or not Moderation is being carried out in a manner which is compliant with General Condition H2,

(f) where the awarding organisation learns, through its monitoring or otherwise, that Moderation has not been carried out in a manner which is compliant with General Condition H2, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out Moderation are making determinations which are consistent over time and consistent with determinations made by each other, and

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out Moderation, it shall take all reasonable steps to promote consistency in the future.

GCE 11.2 In respect of each GCE Qualification involving Moderation which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not persons carrying out Moderation are doing so in a manner which is compliant with the awarding organisation's Conditions of Recognition.

Condition GCE13 Notification of Moderation outcome

GCE 13.1 In respect of each GCE Qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period for the Centre to consider whether to request a review of Moderation, taking
into account any date by which the awarding organisation requires such a request to be received.

GCE 13.2 The notification which an awarding organisation provides for the purposes of Condition GCE13.1 must specify the reasons for the outcome of Moderation.

Condition GCE14 Review of Moderation

GCE 14.1 In respect of each GCE Qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

GCE 14.2 The arrangements may –

(a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,

(b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and

(c) specify a date by which a review of Moderation must be requested.

GCE 14.3 Where the arrangements specify a date by which a review of Moderation must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the GCE Qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE 14.4 The arrangements must provide that, on carrying out a review of Moderation –
(a) the awarding organisation shall determine, in respect of the Moderation it undertook of the Centre’s marking of the assessment, whether the Moderation included any Moderation Error,

(b) where the awarding organisation has determined that the Moderation did not include any Moderation Error, it shall make no changes to the outcome of Moderation,

(c) where the awarding organisation has determined that the Moderation included a Moderation Error, it shall make changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but shall make no other changes to the outcome of Moderation, and

(d) the awarding organisation shall document the reasons for any determination and for any change to the outcome of Moderation.

GCE 14.5 The arrangements must provide that –

(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) a person who was previously involved in the Centre’s marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,

(c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,

(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with –

   (i) a copy of any evidence generated by Learners (or any representation of such evidence) which was considered for the purpose of the Moderation,

   (ii) a copy of the record of the awarding of marks made by Assessors when that evidence was marked,

   (iii) a copy of any comments which Assessors recorded during the marking of that evidence,
(iv) a copy of the criteria against which Learners’ performance is differentiated, and

(v) the outcome of Moderation and the reasons for that outcome

(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(i) the awarding organisation reports to the Centre both the outcome of the review of Moderation and, either together with that outcome or later, the reasons documented when the review of Moderation was carried out, and

(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it considers to be a Marking Error in the marking of an assessment, the awarding organisation includes details of the Marking Error in its report to the Centre on the outcome of the review of Moderation.

GCE 14.6 The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,
(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified.

GCE 14.7 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of Moderation must be requested,

(b) any date by which a review of Moderation must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review,

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target for the time period following a request for a review of Moderation within which the awarding organisation will have reported the outcome of the review to the Centre and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.
Application

GCE 14.8 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCE14.6 shall be replaced with 'The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified, provided that a Learner’s result shall not be updated so as to lower that result’.

GCE 14.9 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCE Qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition GCE17 Review of marking of Marked Assessment Material

GCE 17.1 In respect of each GCE Qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of that Learner’s Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such a review.

GCE 17.2 The arrangements may –

(a) provide that where Marked Assessment Material relates to an assessment which has been delivered by a Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner’s behalf),
(b) provide that the awarding organisation shall only carry out a review of marking of Marked Assessment Material on payment of a fee,

(c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and

(d) specify a date by which a review of marking must be requested.

GCE 17.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the GCE Qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE 17.4 The arrangements must provide that, on carrying out a review of marking of Marked Assessment Material –

(a) the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error,

(b) where the Assessor has determined that the marking of the assessment did not include any Marking Error, the Assessor shall make no changes to the mark awarded,

(c) where the Assessor has determined that the marking of the assessment included a Marking Error, the Assessor shall correct the effect of the Marking Error but make no other changes to the mark awarded, and

(d) the Assessor shall document the reasons for any determination and for any change of mark.

GCE 17.5 The arrangements must provide that –

(a) all reviews of marking of Marked Assessment Material will be carried out by Assessors who have appropriate competence and who
have no personal interest in the outcome of the review being carried out,

(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner’s Marked Assessment Material in respect of that task,

(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,

(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and a copy of the criteria against which Learners' performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between Assessors, it shall take all reasonable steps to promote consistency in the future,

(i) where the outcome of a review of marking is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner’s result, and
(j) the awarding organisation reports to the Learner (or as the case may be the Relevant Centre) both the outcome of the review of marking, specifying any change in mark and any change in result, and, either together with that outcome or later, the reasons documented by the Assessor carrying out the review.

GCE 17.6 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must be requested,

(b) any date by which a review of marking must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to Assessors prior to carrying out a review of marking,

(e) the monitoring which the awarding organisation will carry out of Assessors carrying out reviews of marking,

(f) the action which the awarding organisation will take where it learns that an Assessor is failing to carry out reviews of marking in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations are not being made consistently over time or between Assessors, and

(h) the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre) and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

Application

GCE 17.7 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –
(a) Condition GCE17.5(j) shall be replaced with ‘the awarding organisation shall –

(i) report to the Learner (or as the case may be the Relevant Centre) the outcome of the review of marking, specifying any change in mark and any change in result, and

(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’;

(b) Condition GCE17.6(b) shall be replaced with ‘any date by which a review of marking must be requested and any time period during which a request for the reporting of reasons in respect of the review must be received’, and

(c) Condition GCE17.6(h) shall be replaced with ‘the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre)’.

GCE 17.8 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCE Qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition GCE18   Appeals process for GCE Qualifications

GCE 18.1 In respect of each GCE Qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.

GCE 18.2 In respect of each GCE Qualification which it makes available, or proposes to make available, in addition to the other arrangements which are required to be established, maintained and complied with in accordance with the GCE Qualification Level Conditions, an awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –
(a) the outcome of any Moderation of a Centre’s marking of an assessment, following a review of Moderation in respect of that marking,

(b) the result for any assessment in respect of a Learner, following a review of marking of Marked Assessment Material in respect of that assessment,

(c) decisions regarding Reasonable Adjustments and Special Consideration, and

(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

GCE 18.3 The appeals process may –

(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,

(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and

(c) specify a time period during which an appeal must be requested.

GCE 18.4 Where the arrangements specify a time period during which an appeal must be requested, the time period must –

(a) be reasonable, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE 18.5 The appeals process must provide for –

(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,

(b) all appeal decisions to be taken by persons who were not previously involved in any marking, Moderation, review of marking of Marked Assessment Material or review of Moderation regarding an assessment in respect of a Learner to which the appeal relates,

(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the
awarding organisation, an Assessor working for it, or otherwise connected to it, and

(d) the awarding organisation to report the outcome of an appeal to the Learner (or as the case may be the Relevant Centre), detailing the reasons for that outcome.

GCE 18.6 The appeals process must not allow a specified level of attainment which has been set for the GCE Qualification to be changed.

GCE 18.7 For the purposes of Condition GCE18.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis –

(a) that the Moderation (or as the case may be the review of Moderation) included a Moderation Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any exercise of academic judgment in relation to the outcome of Moderation shall not constitute the application or following of a procedure.

GCE 18.8 For the purposes of Condition GCE18.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre.

GCE 18.9 For the purposes of Condition GCE18.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis –

(a) that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes –

(i) any procedures in respect of the setting of specified levels of attainment for the GCE Qualification shall be excluded, and

(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application or following of a procedure.
GCE 18.10  For the purposes of Conditions GCE18.2(b) to GCE18.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by a Relevant Centre, any request for an appeal in respect of a Learner relating to the assessment must be made by the Relevant Centre (on the Learner’s behalf).

GCE 18.11  An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –

(a) how any request for an appeal must be made,

(b) any time period during which an appeal must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the target for the time period following a request for an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(e) the target for the time period following receipt of all evidence in respect of an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

Application
GCE 18.12  Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCE18.7 shall be replaced with ‘For the purposes of Condition GCE18.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly’, and

(b) Condition GCE18.9 shall be replaced with ‘For the purposes of Condition GCE18.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis that the awarding organisation did not apply
procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any procedures in respect of the setting of specified levels of attainment for the GCE Qualification shall be excluded'.

GCE 18.13  Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCE18.8 shall be replaced with 'For the purposes of Condition GCE18.2(a), the appeals process which an awarding organisation has in place must provide –

(a) for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre, and

(b) that, following the outcome of an appeal, a Learner's result shall not be updated so as to lower that result'.

GCE 18.14  Any notice published by Ofqual under Condition GCE18.12 or Condition GCE18.13 may be –

(a) issued in respect of one or more GCE Qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

**Notice in respect of Condition GCE18.12**

**About this notice**

This notice is issued under Condition GCE18.12 and applies to all awarding organisations and in respect of all GCE Qualifications.

Terms in this notice have the same meaning as given to them in the General Conditions of Recognition, including the Qualification Level Conditions.

**Decisions**

The following Conditions shall come into effect at 12:01am on 17 August 2017:

Condition GCE18.7

Condition GCE18.9

For the avoidance of doubt, the replacement wording set out in Conditions GCE18.12(a) and GCE18.12(b) shall cease to apply from 12.01am on 17 August 2017.
Condition GCE26  Interpretation and Definitions

GCE 26.1  The rules of interpretation and definitions outlined in General Condition J1 shall apply to the GCE Qualification Level Conditions and GCE Subject Level Conditions.

GCE 26.2  Except in the circumstances described in Condition GCE26.3, the requirements imposed by the GCE Qualification Level Conditions and the GCE Subject Level Conditions apply in addition to each other and to the requirements imposed by the General Conditions of Recognition.

GCE 26.3  To the extent that there is any inconsistency between –

(a)  a requirement of a GCE Subject Level Condition and a requirement of either a GCE Qualification Level Condition or a General Condition of Recognition, such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the GCE Subject Level Condition and is not obliged to comply with the requirement of the other Condition, or

(b)  a requirement of a GCE Qualification Level Condition and a requirement of a General Condition of Recognition, such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the GCE Qualification Level Condition and is not obliged to comply with the requirement of the General Condition of Recognition.

GCE 26.4  In these Conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

Administrative Error

An error in the marking of an assessment which is either –

(a)  a failure to mark a task forming part of the assessment, or

(b)  a failure to correctly calculate the total mark for the assessment from the marks which were awarded by the Assessor for the tasks forming part of the assessment.

Administrative Error Review
A review to determine whether the marking recorded in Marked Assessment Material contains an Administrative Error.

**Assessment by Examination**

An assessment which is -

(a) set by an awarding organisation,

(b) designed to be taken simultaneously by all relevant Learners at a time determined by the awarding organisation, and

(c) taken under conditions specified by the awarding organisation (including conditions relating to the supervision of Learners during the assessment and the duration of the assessment).

**Calculator**

Any electronic device which may be used for the performance of mathematical computations.

**GCE Qualification**

Either a GCE A level qualification or a GCE AS qualification.

**GCE Qualification Level Condition**

A Condition of Recognition that applies to all GCE qualifications, except where a GCE Subject Level Condition states that its application is excluded in respect of a specific subject, and which uses the numbering format ‘GCE{n}.n’, where ‘n’ denotes a number.

**GCE Subject Level Condition**

A Condition of Recognition that applies to a GCE qualification in a specific subject only and which uses the numbering format ‘GCE(x)n.n’, where ‘x’ denotes a particular subject and ‘n’ denotes a number.

**Marked Assessment Material**

In relation to an assessment for a GCE Qualification taken by a Learner, other than an assessment where evidence generated by a Learner is marked by a Centre, material comprising –

(a) a copy of any evidence generated by the Learner in the assessment which is held by the awarding organisation or, where evidence generated by the Learner in the assessment is not held or
cannot readily be copied, a representation of the evidence in another form,

(b) a copy of the record of the awarding of marks made by the Assessor when the evidence generated by the Learner was marked, and

(c) a copy of any comments which the Assessor recorded during the marking of the evidence generated by the Learner.

Marking Error

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

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

Moderation Error

The arrival at an outcome of Moderation which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre’s marking of that evidence, the criteria against which Learners’ performance is differentiated and any procedure of the awarding organisation in relation to Moderation, including in particular where the arrival at an outcome of Moderation is based on –

(a) an Administrative Error,

(b) a failure to apply such criteria and procedures to the evidence generated by Learners, where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

Relevant Centre

In relation to a Learner, a Centre which –
(a) has purchased the GCE Qualification (on behalf of the Learner), and

(b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

Review Arrangements

In relation to a GCE Qualification, the arrangements which an awarding organisation is required to establish, maintain and comply with in accordance with –

(a) Condition GCE14 (Review of Moderation),

(b) Condition GCE15 (Making Marked Assessment Materials available to Learners),

(c) Condition GCE16 (Administrative Error Review), and

(d) Condition GCE17 (Review of marking of Marked Assessment Material).
Appendix E

Extract from Ofqual’s GCSE (A*-G) Qualification Level Conditions and Requirements

Condition GCSE(A* to G)2 Marking arrangements

GCSE(A* to G)2.1 In respect of each GCSE qualification which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that, in respect of an assessment other than an assessment marked by a Centre –

(a) all marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the marking,

(b) prior to carrying out any marking, each Assessor shall be provided with training,

(c) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being understood and accurately applied by Assessors,

(d) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to accurately apply the criteria against which the Learners' performance is differentiated, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(e) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being applied consistently by Assessors, and

(f) where the awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners' performance is differentiated are not being applied consistently by Assessors, it shall take all reasonable steps to promote consistency in the future.

**GCSE(A* to G)2.2** In respect of each GCSE qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that prior to the marking of the assessment the awarding organisation makes available training to the Centre.

**GCSE(A* to G)2.3** In respect of each GCSE qualification which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not Assessors are marking in a manner which is compliant with the awarding organisation's Conditions of Recognition.

**Condition GCSE(A* to G)3 Moderation arrangements**

**GCSE(A* to G)3.1** In respect of each GCSE qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H2.1 provide that –

(a) all Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Moderation,

(b) a person who was previously involved in a Centre’s marking of an assessment must not be involved in Moderation in respect of that marking,

(c) prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided with training,

(d) prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of –
(i) any evidence generated by Learners which is to 
be considered for the purpose of Moderation or, where 
such evidence is not held or cannot readily be copied, a 
representation of the evidence in another form,

(ii) the record of the awarding of marks made by 
Assessors when that evidence was marked,

(iii) any comments which Assessors recorded during 
the marking of that evidence, and

(iv) the criteria against which Learners’ performance is 
differentiated,

(e) the awarding organisation shall monitor whether or 
not Moderation is being carried out in a manner which is 
compliant with General Condition H2,

(f) where the awarding organisation learns, through its 
monitoring or otherwise, that Moderation has not been 
carried out in a manner which is compliant with General 
Condition H2, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate 
as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not 
the persons who are carrying out Moderation are making 
determinations which are consistent over time and consistent 
with determinations made by each other, and

(h) where the awarding organisation learns, through its 
monitoring or otherwise, that determinations are not being 
made consistently over time or between persons carrying out 
Moderation, it shall take all reasonable steps to promote 
consistency in the future.

GCSE(A* to G)3.2 In respect of each GCSE qualification involving Moderation which it 
makes available, an awarding organisation must ensure that the 
monitoring which is carried out in accordance with General Condition 
C1.1(b) includes monitoring of whether or not persons carrying out
Moderation are doing so in a manner which is compliant with the awarding organisation's Conditions of Recognition.

**Condition GCSE(A* to G)5 Notification of Moderation outcome**

**GCSE(A* to G)5.1** In respect of each GCSE qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period for the Centre to consider whether to request a review of Moderation, taking into account any date by which the awarding organisation requires such a request to be received.

**GCSE(A* to G)5.2** The notification which an awarding organisation provides for the purposes of Condition GCSE(A* to G)5.1 must specify the reasons for the outcome of Moderation.

**Condition GCSE(A* to G)6 Review of Moderation**

**GCSE(A* to G)6.1** In respect of each GCSE qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

**GCSE(A* to G)6.2** The arrangements may –

(a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,

(b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and

(c) specify a date by which a review of Moderation must be requested.

**GCSE(A* to G)6.3** Where the arrangements specify a date by which a review of Moderation must be requested, the date must –

(a) be reasonable, taking into account –
(i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the GCSE qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

**GCSE(A* to G)6.4** The arrangements must provide that, on carrying out a review of Moderation –

(a) the awarding organisation shall determine, in respect of the Moderation it undertook of the Centre’s marking of the assessment, whether the Moderation included any Moderation Error,

(b) where the awarding organisation has determined that the Moderation did not include any Moderation Error, it shall make no changes to the outcome of Moderation,

(c) where the awarding organisation has determined that the Moderation included a Moderation Error, it shall make changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but shall make no other changes to the outcome of Moderation, and

(d) the awarding organisation shall document the reasons for any determination and for any change to the outcome of Moderation.

**GCSE(A* to G)6.5** The arrangements must provide that –

(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) a person who was previously involved in the Centre’s marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,
(c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,

(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with –

(i) a copy of any evidence generated by Learners (or any representation of such evidence) which was considered for the purpose of the Moderation,

(ii) a copy of the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) a copy of any comments which Assessors recorded during the marking of that evidence,

(iv) a copy of the criteria against which Learners’ performance is differentiated, and

(v) the outcome of Moderation and the reasons for that outcome,

(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,
(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(i) the awarding organisation reports to the Centre both the outcome of the review of Moderation and, either together with that outcome or later, the reasons documented when the review of Moderation was carried out, and

(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it considers to be a Marking Error in the marking of an assessment, the awarding organisation includes details of the Marking Error in its report to the Centre on the outcome of the review of Moderation.

GCSE(A* to G)6.6 The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified.

GCSE(A* to G)6.7 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of Moderation must be requested,

(b) any date by which a review of Moderation must be requested,
(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review,

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target for the time period following a request for a review of Moderation within which the awarding organisation will have reported the outcome of the review to the Centre and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

Application

GCSE(A* to G)6.8 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCSE(A* to G)6.6 shall be replaced with ‘The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and
(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified, provided that a Learner's result shall not be updated so as to lower that result'.

GCSE(A* to G)6.9 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCSE qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition GCSE(A* to G)9 Review of marking of Marked Assessment Material

GCSE(A* to G)9.1 In respect of each GCSE qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of that Learner’s Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such a review.

GCSE(A* to G)9.2 The arrangements may –

(a) provide that where Marked Assessment Material relates to an assessment which has been delivered by a Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner’s behalf),

(b) provide that the awarding organisation shall only carry out a review of marking of Marked Assessment Material on payment of a fee,

(c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and

(d) specify a date by which a review of marking must be requested.
GCSE(A* to G)9.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must –

(a) be reasonable, taking into account –

(i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation’s arrangements, and

(ii) the purpose of the GCSE qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCSE(A* to G)9.4 The arrangements must provide that, on carrying out a review marking of Marked Assessment Material –

(a) the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error,

(b) where the Assessor has determined that the marking of the assessment did not include any Marking Error, the Assessor shall make no changes to the mark awarded,

(c) where the Assessor has determined that the marking of the assessment included a Marking Error, the Assessor shall correct the effect of the Marking Error but make no other changes to the mark awarded, and

(d) the Assessor shall document the reasons for any determination and for any change of mark.

GCSE(A* to G)9.5 The arrangements must provide that –

(a) all reviews of marking of Marked Assessment Material will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out,
(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner’s Marked Assessment Material in respect of that task,

(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,

(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and a copy of the criteria against which Learners’ performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between Assessors, it shall take all reasonable steps to promote consistency in the future,

(i) where the outcome of a review of marking is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner’s result, and
(j) the awarding organisation reports to the Learner (or as the case may be the Relevant Centre) both the outcome of the review of marking, specifying any change in mark and any change in result, and, either together with that outcome or later, the reasons documented by the Assessor carrying out the review.

**GCSE(A* to G)9.6** An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must be requested,

(b) any date by which a review of marking must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to Assessors prior to carrying out a review of marking,

(e) the monitoring which the awarding organisation will carry out of Assessors carrying out reviews of marking,

(f) the action which the awarding organisation will take where it learns that an Assessor is failing to carry out reviews of marking in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations are not being made consistently over time or between Assessors, and

(h) the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre) and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

**Application**

**GCSE(A* to G)9.7** Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –
(a) Condition GCSE(A* to G)9.5(j) shall be replaced with ‘the awarding organisation shall –

(i) report to the Learner (or as the case may be the Relevant Centre) the outcome of the review of marking, specifying any change in mark and any change in result, and

(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’,

(b) Condition GCSE(A* to G)9.6(b) shall be replaced with ‘any date by which a review of marking must be requested and any time period during which a request for the reporting of reasons in respect of the review must be received’, and

(c) Condition GCSE(A* to G)9.6(h) shall be replaced with ‘the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre)’.

GCSE(A* to G)9.8 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCSE qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.
Condition GCSE(A* to G)10 Appeals process for GCSE qualifications

GCSE(A* to G)10.1 In respect of each GCSE qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.

GCSE(A* to G)10.2 In respect of each GCSE qualification which it makes available, or proposes to make available, in addition to the other arrangements which are required to be established, maintained and complied with in accordance with the GCSE (A* to G) Qualification Level Conditions, an awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –

(a) the outcome of any Moderation of a Centre’s marking of an assessment, following a review of Moderation in respect of that marking,

(b) the result for any assessment in respect of a Learner, following a review of marking of Marked Assessment Material in respect of that assessment,

(c) decisions regarding Reasonable Adjustments and Special Consideration, and

(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

GCSE(A* to G)10.3 The appeals process may –

(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,

(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and

(c) specify a time period during which an appeal must be requested.
GCSE(A* to G)10.4 Where the arrangements specify a time period during which an appeal must be requested, the time period must –

(a) be reasonable, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCSE(A* to G)10.5 The appeals process must provide for –

(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,

(b) all appeal decisions to be taken by persons who were not previously involved in any marking, Moderation, review of marking of Marked Assessment Material or review of Moderation regarding an assessment in respect of a Learner to which the appeal relates,

(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and

(d) the awarding organisation to report the outcome of an appeal to the Learner (or as the case may be the Relevant Centre), detailing the reasons for that outcome.

GCSE(A* to G)10.6 The appeals process must not allow a specified level of attainment which has been set for the GCSE qualification to be changed.

GCSE(A* to G)10.7 For the purposes of Condition GCSE(A* to G)10.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis –

(a) that the Moderation (or as the case may be the review of Moderation) included a Moderation Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any exercise of
academic judgment in relation to the outcome of Moderation shall not constitute the application or following of a procedure.

**GCSE(A* to G)10.8** For the purposes of Condition GCSE(A* to G)10.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre.

**GCSE(A* to G)10.9** For the purposes of Condition GCSE(A* to G)10.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis –

(a) that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes –

(i) any procedures in respect of the setting of specified levels of attainment for the GCSE qualification shall be excluded, and

(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application or following of a procedure.

**GCSE(A* to G)10.10** For the purposes of Conditions GCSE(A* to G)10.2(b) to GCSE(A* to G)10.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by a Relevant Centre, any request for an appeal in respect of a Learner relating to the assessment must be made by the Relevant Centre (on the Learner’s behalf).

**GCSE(A* to G)10.11** An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –

(a) how any request for an appeal must be made,
(b) any time period during which an appeal must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the target for the time period following a request for an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(e) the target for the time period following receipt of all evidence in respect of an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

Application

GCSE(A* to G)10.12 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCSE(A* to G)10.7 shall be replaced with 'For the purposes of Condition GCSE(A* to G)10.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly', and

(b) Condition GCSE(A* to G)10.9 shall be replaced with 'For the purposes of Condition GCSE(A* to G)10.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any procedures in respect of the setting of specified levels of attainment for the GCSE qualification shall be excluded'.

GCSE(A* to G)10.13 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCSE(A* to G)10.8 shall be replaced with 'For the purposes of Condition GCSE(A* to G)10.2(a), the appeals
process which an awarding organisation has in place must provide –

(a) for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre, and

(b) that, following the outcome of an appeal, a Learner’s result shall not be updated so as to lower that result’.

GCSE(A* to G)10.14 Any notice published by Ofqual under Condition GCSE(A* to G)10.12 or Condition GCSE(A* to G)10.13 may be –

(a) issued in respect of one or more GCSE qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Notice in respect of Condition GCSE(A* to G)10.12

About this notice

This notice is issued under Condition GCSE(A* to G)10.12 and applies to all awarding organisations and in respect of all GCSE qualifications (graded A* to G).

Terms in this notice have the same meaning as given to them in the General Conditions of Recognition, including the Qualification Level Conditions.

Decisions

The following Conditions shall come into effect at 12:01am on 22 August 2019:

Condition GCSE(A* to G)10.7

Condition GCSE(A* to G)10.9

For the avoidance of doubt, the replacement wording set out in Conditions GCSE(A* to G)10.12(a) and GCSE(A* to G)10.12(b) shall cease to apply from 12.01am on 22 August 2019.
Appendix F

Extract from Ofqual’s GCSE (9-1) Qualification Level Conditions and Requirements

Condition GCSE10 Marking arrangements

GCSE10.1 In respect of each GCSE Qualification which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that, in respect of an assessment other than an assessment marked by a Centre –

(a) all marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the marking,

(b) prior to carrying out any marking, each Assessor shall be provided with training,

(c) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being understood and accurately applied by Assessors,

(d) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to accurately apply the criteria against which the Learners’ performance is differentiated, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(e) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being applied consistently by Assessors, and

(f) where the awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners’
performance is differentiated are not being applied consistently by Assessors, it shall take all reasonable steps to promote consistency in the future.

GCSE10.2  In respect of each GCSE Qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that prior to the marking of the assessment the awarding organisation makes available training to the Centre.

GCSE10.3  In respect of each GCSE Qualification which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not Assessors are marking in a manner which is compliant with the awarding organisation's Conditions of Recognition.

**Condition GCSE11  Moderation arrangements**

GCSE11.1  In respect of each GCSE Qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H2.1 provide that –

(a)  all Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Moderation,

(b)  a person who was previously involved in a Centre’s marking of an assessment must not be involved in Moderation in respect of that marking,

(c)  prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided with training,

(d)  prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of –

(i)  any evidence generated by Learners which is to be considered for the purpose of Moderation or, where such evidence is not held or cannot readily be copied, a representation of the evidence in another form,
(ii) the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) any comments which Assessors recorded during the marking of that evidence, and

(iv) the criteria against which Learners’ performance is differentiated,

(e) the awarding organisation shall monitor whether or not Moderation is being carried out in a manner which is compliant with General Condition H2,

(f) where the awarding organisation learns, through its monitoring or otherwise, that Moderation has not been carried out in a manner which is compliant with General Condition H2, it shall take all reasonable steps to –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out Moderation are making determinations which are consistent over time and consistent with determinations made by each other, and

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out Moderation, it shall take all reasonable steps to promote consistency in the future.

GCSE11.2 In respect of each GCSE Qualification involving Moderation which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not persons carrying out Moderation are doing so in a manner which is compliant with the awarding organisation’s Conditions of Recognition.

Condition GCSE13 Notification of Moderation outcome

GCSE13.1 In respect of each GCSE Qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period
for the Centre to consider whether to request a review of Moderation, taking into account any date by which the awarding organisation requires such a request to be received.

**GCSE13.2** The notification which an awarding organisation provides for the purposes of Condition GCSE13.1 must specify the reasons for the outcome of Moderation.

**Condition GCSE14 Review of Moderation**

**GCSE14.1** In respect of each GCSE Qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

**GCSE14.2** The arrangements may –

(a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,

(b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and

(c) specify a date by which a review of Moderation must be requested.

**GCSE14.3** Where the arrangements specify a date by which a review of Moderation must be requested, the date must –

(a) be reasonable, taking into account –

   (i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation’s arrangements, and

   (ii) the purpose of the GCSE Qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.
GCSE14.4 The arrangements must provide that, on carrying out a review of Moderation –

(a) the awarding organisation shall determine, in respect of the Moderation it undertook of the Centre’s marking of the assessment, whether the Moderation included any Moderation Error,

(b) where the awarding organisation has determined that the Moderation did not include any Moderation Error, it shall make no changes to the outcome of Moderation,

(c) where the awarding organisation has determined that the Moderation included a Moderation Error, it shall make changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but shall make no other changes to the outcome of Moderation, and

(d) the awarding organisation shall document the reasons for any determination and for any change to the outcome of Moderation.

GCSE14.5 The arrangements must provide that –

(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) a person who was previously involved in the Centre’s marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,

(c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,

(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with –

(i) a copy of any evidence generated by Learners (or any representation of such evidence) which was considered for the purpose of the Moderation,

(ii) a copy of the record of the awarding of marks made by Assessors when that evidence was marked,
(iii) a copy of any comments which Assessors recorded during the marking of that evidence,

(iv) a copy of the criteria against which Learners’ performance is differentiated, and

(v) the outcome of Moderation and the reasons for that outcome,

(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(i) the awarding organisation reports to the Centre both the outcome of the review of Moderation and, either together with that outcome or later, the reasons documented when the review of Moderation was carried out, and

(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it considers to be a Marking Error in the marking of an assessment, the awarding organisation includes details of the Marking Error in its report to the Centre on the outcome of the review of Moderation.

GCSE14.6 The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –
(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified.

GCSE14.7 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how a review of Moderation must be requested,

(b) any date by which a review of Moderation must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review,

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target for the time period following a request for a review of Moderation within which the awarding organisation will have reported the outcome of the review to the Centre and the target for the time period following such a request within which the awarding
organisation will have also reported the reasons in respect of the review.

**Application**

GCSE14.8 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCSE14.6 shall be replaced with 'The arrangements must, following the awarding organisation’s notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified,

provided that a Learner’s result shall not be updated so as to lower that result'.

GCSE14.9 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCSE Qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

**Condition GCSE17 Review of marking of Marked Assessment Material**

GCSE17.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of that Learner’s Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such a review.
GCSE17.2 The arrangements may –

(a) provide that where Marked Assessment Material relates to an assessment which has been delivered by a Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner’s behalf),

(b) provide that the awarding organisation shall only carry out a review of marking of Marked Assessment Material on payment of a fee,

(c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and

(d) specify a date by which a review of marking must be requested.

GCSE17.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must –

(a) be reasonable, taking into account –
   
   (i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation’s arrangements, and
   
   (ii) the purpose of the GCSE Qualification, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCSE17.4 The arrangements must provide that, on carrying out a review of marking of Marked Assessment Material –

(a) the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error,

(b) where the Assessor has determined that the marking of the assessment did not include any Marking Error, the Assessor shall make no changes to the mark awarded,

(c) where the Assessor has determined that the marking of the assessment included a Marking Error, the Assessor shall correct the
effect of the Marking Error but make no other changes to the mark awarded, and

(d) the Assessor shall document the reasons for any determination and for any change of mark.

GCSE17.5 The arrangements must provide that –

(a) all reviews of marking of Marked Assessment Material will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out,

(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner’s Marked Assessment Material in respect of that task,

(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,

(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and a copy of the criteria against which Learners’ performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where the awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to –

   (i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

   (ii) ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are making
determinations which are consistent over time and consistent with
determinations made by each other,

(h) where the awarding organisation learns, through its monitoring
or otherwise, that determinations are not being made consistently
over time or between Assessors, it shall take all reasonable steps to
promote consistency in the future,

(i) where the outcome of a review of marking is that there should be
a change in mark, the awarding organisation makes any consequent
change to the Learner’s result, and

(j) the awarding organisation reports to the Learner (or as the case
may be the Relevant Centre) both the outcome of the review of
marking, specifying any change in mark and any change in result,
and, either together with that outcome or later, the reasons
documented by the Assessor carrying out the review.

GCSE17.6 An awarding organisation must publish a statement of the
arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must
be requested,

(b) any date by which a review of marking must be
requested,

(c) any fee which is payable as part of the arrangements,
the circumstances in which any such fee will be charged, and
the circumstances in which any such fee may be refunded,

(d) the training which the awarding organisation will provide to
Assessors prior to carrying out a review of marking,

(e) the monitoring which the awarding organisation will carry out of
Assessors carrying out reviews of marking,

(f) the action which the awarding organisation will take where it
learns that an Assessor is failing to carry out reviews of marking in
accordance with this condition,

(g) the action which the awarding organisation will take where it
learns that determinations are not being made consistently over time
or between Assessors, and
(h) the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre) and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

Application

GCSE17.7 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCSE17.5(j) shall be replaced with ‘the awarding organisation shall –

(i) report to the Learner (or as the case may be the Relevant Centre) the outcome of the review of marking, specifying any change in mark and any change in result, and

(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’

(b) Condition GCSE17.6(b) shall be replaced with ‘any date by which a review of marking must be requested and any time period during which a request for the reporting of reasons in respect of the review must be received’, and

(c) Condition GCSE17.6(h) shall be replaced with ‘the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre)’.

GCSE17.8 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCSE Qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.
Condition GCSE18  Appeals process for GCSE Qualifications

GCSE18.1 In respect of each GCSE Qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.

GCSE18.2 In respect of each GCSE Qualification which it makes available, or proposes to make available, in addition to the other arrangements which are required to be established, maintained and complied with in accordance with the GCSE Qualification Level Conditions, an awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –

(a) the outcome of any Moderation of a Centre’s marking of an assessment, following a review of Moderation in respect of that marking,

(b) the result for any assessment in respect of a Learner, following a review of marking of Marked Assessment Material in respect of that assessment,

(c) decisions regarding Reasonable Adjustments and Special Consideration, and

(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

GCSE18.3 The appeals process may –

(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,

(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and

(c) specify a time period during which an appeal must be requested.

GCSE18.4 Where the arrangements specify a time period during which an appeal must be requested, the time period must –

(a) be reasonable, and
(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCSE18.5 The appeals process must provide for –

(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,

(b) all appeal decisions to be taken by persons who were not previously involved in any marking, Moderation, review of marking of Marked Assessment Material or review of Moderation regarding an assessment in respect of a Learner to which the appeal relates,

(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and

(d) the awarding organisation to report the outcome of an appeal to the Learner (or as the case may be the Relevant Centre), detailing the reasons for that outcome.

GCSE18.6 The appeals process must not allow a specified level of attainment which has been set for the GCSE Qualification to be changed.

GCSE18.7 For the purposes of Condition GCSE18.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis –

(a) that the Moderation (or as the case may be the review of Moderation) included a Moderation Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any exercise of academic judgment in relation to the outcome of Moderation shall not constitute the application or following of a procedure.

GCSE18.8 For the purposes of Condition GCSE18.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre.
GCSE18.9 For the purposes of Condition GCSE18.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis –

(a) that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error, and

(b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes –

(i) any procedures in respect of the setting of specified levels of attainment for the GCSE Qualification shall be excluded, and

(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application or following of a procedure.

GCSE18.10 For the purposes of Conditions GCSE18.2(b) to GCSE18.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by a Relevant Centre, any request for an appeal in respect of a Learner relating to the assessment must be made by the Relevant Centre (on the Learner’s behalf).

GCSE18.11 An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –

(a) how any request for an appeal must be made,

(b) any time period during which an appeal must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may be refunded,

(d) the target for the time period following a request for an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and
(e) the target for the time period following receipt of all evidence in respect of an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

Application

GCSE18.12 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCSE18.7 shall be replaced with ‘For the purposes of Condition GCSE18.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly’, and

(b) Condition GCSE18.9 shall be replaced with ‘For the purposes of Condition GCSE18.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any procedures in respect of the setting of specified levels of attainment for the GCSE Qualification shall be excluded’.

GCSE18.13 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCSE18.8 shall be replaced with ‘For the purposes of Condition GCSE18.2(a), the appeals process which an awarding organisation has in place must provide –

(a) for any request for an appeal of the outcome of Moderation of a Centre’s marking of an assessment to be made by the Centre, and

(b) that, following the outcome of an appeal, a Learner’s result shall not be updated so as to lower that result’.

GCSE18.14 Any notice published by Ofqual under Condition GCSE18.12 or Condition GCSE18.13 may be –

(a) issued in respect of one or more GCSE Qualifications, and

(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.
Notice in respect of Condition GCSE18.12 – English Language, English Literature and Mathematics

About this notice

This notice is issued under Condition GCSE18.12 and applies to all awarding organisations and in respect of all GCSE Qualifications in the following subjects:

- English Language
- English Literature
- Mathematics

Terms in this notice have the same meaning as given to them in the General Conditions of Recognition, including the Qualification Level Conditions.

Decisions

In respect of the qualifications listed above, the following Conditions shall come into effect at 12:01am on 23 August 2018:

- Condition GCSE18.7
- Condition GCSE18.9

For the avoidance of doubt, the replacement wording set out in Conditions GCSE18.12(a) and GCSE18.12(b) shall cease to apply from 12.01am on 23 August 2018 in respect of the qualifications listed above.

Notice in respect of Condition GCSE18.12 – subjects other than English Language, English Literature and Mathematics

About this notice

This notice is issued under Condition GCSE18.12 and applies to all awarding organisations and in respect of all GCSE Qualifications except those in the following subjects:

- English Language
- English Literature
- Mathematics
Terms in this notice have the same meaning as given to them in the General Conditions of Recognition, including the Qualification Level Conditions.

Decisions

In respect of all GCSE Qualifications except those listed above, the following Conditions shall come into effect at 12:01am on 22 August 2019:

Condition GCSE18.7

Condition GCSE18.9

For the avoidance of doubt, the replacement wording set out in Conditions GCSE18.12(a) and GCSE18.12(b) shall cease to apply from 12.01am on 22 August 2019 in respect of all GCSE Qualifications except those listed above.
Appendix G

Extract from Ofqual’s *Guidance to the General Conditions of Recognition*[^7]

Guidance on making changes to incorrect results

**Introduction**

- We expect an awarding organisation to issue correct results to Learners. But where an awarding organisation discovers that, despite its controls, it has issued an incorrect result, it must have regard to this guidance when deciding what to do.

- An incorrect result is one that does not accurately reflect a Learner’s performance in his/her assessment. It could be higher or lower than the level of attainment which the Learner demonstrated. An awarding organisation may discover that it has issued an incorrect result in different ways, including:
  - through the application of its own quality assurance processes;
  - through its investigations into malpractice or maladministration; or
  - where a review of marking or an appeals process reveals an issue which is relevant to other Learners’ assessments.

- Regardless of how an incorrect result is discovered (and whether it is higher or lower than the level of attainment demonstrated by the Learner), an awarding organisation must decide what action to take, and whether or not to correct the result.

- This guidance identifies a number of Conditions that place obligations on awarding organisations which are relevant to this issue. It explains how an awarding organisation should decide what action to take and some of the factors it should consider. The importance of these factors will vary between cases, but awarding organisations should adopt a consistent approach to determine which are relevant and how to balance them.

In particular, this guidance focuses on an awarding organisation's decision whether or not to correct an incorrect result. It is for the awarding organisation to take this decision in each case, ensuring that it meets the requirements of the Conditions and has regard to this guidance. Having taken this decision, the awarding organisation should always consider whether it should take any other action to comply with the requirements of the Conditions.

What requirements must an awarding organisation meet?

- Awarding organisations must comply with all of the Conditions which apply to the qualifications they offer. The Conditions below are likely to be particularly relevant to the issuing of results and to the action an awarding organisation should take if it finds it has issued an incorrect result.

- **Condition A6.1** requires an awarding organisation to take all reasonable steps to identify the risk of any incidents which could have an Adverse Effect. Since the issuing of an incorrect result could (in many cases) have an Adverse Effect, an awarding organisation should actively consider any risks which might lead to this happening.

- **Condition A6.2** requires that where such a risk is identified, the awarding organisation takes all reasonable steps to prevent the incident from occurring or to reduce the risk of it occurring. The awarding organisation must also prevent, or if this is not possible mitigate, any Adverse Effect that the incident could have were it to occur.

- **Condition H5.1** requires an awarding organisation to ensure that the result of each assessment taken by a Learner reflects the level of attainment demonstrated by that Learner.

- **Condition H6.1(d)** requires an awarding organisation to issue results which accurately and completely reflect the marking of assessments (including any Moderation and other quality assurance process).

Where an awarding organisation issues an incorrect result, it will have failed to comply with one or both of **Conditions H5.1 and H6.1(d)**. There are a number of further requirements that could be relevant if an awarding organisation issues an incorrect result.

- **Condition A7.1** requires that where any incident occurs which could have an Adverse Effect, an awarding organisation must promptly take all reasonable steps to prevent the Adverse Effect or to mitigate it as far as possible and
correct it. In doing so, it must prioritise the provision of assessments which accurately differentiate between Learners on the basis of the level of attainment they have demonstrated and the accurate and timely award of qualifications.

- **Condition A8.2** requires that where an awarding organisation suspects malpractice or maladministration and has reasonable grounds for doing so, it must promptly take all reasonable steps to prevent any Adverse Effect which may occur. Where an Adverse Effect does occur it must mitigate it and correct it as far as possible. This obligation may be relevant where an incorrect result has been issued as a result of malpractice or maladministration.

- **Condition I1.4** or (where Condition I1 does not apply to a qualification) the relevant Qualification Level Condition, requires that if an awarding organisation discovers a failure in its assessment process through any Review Arrangements or appeals process, it must take all reasonable steps to identify any other affected Learners, correct or mitigate as far as possible the effect of the failure, and ensure that the failure does not recur. Awarding organisations must ensure that if specific Qualification Level Conditions are in place for Review Arrangements or appeals, such as those for reviews of Moderation, they are adhered to before considering the following guidance.

**What should an awarding organisation do when it discovers it has issued an incorrect result?**

- Where an awarding organisation discovers that it has issued an incorrect result, we expect it to:
  - understand what has happened. It should make sure it gathers adequate information on which to base any decision about what to do next and whether to correct the result;
  - determine whether the issue of the incorrect result has caused any Adverse Effect or whether there is the potential for any Adverse Effect to occur;
  - notify Ofqual, where any Adverse Effect has occurred or could occur (in accordance with Condition B3.1);
  - determine what action to take to, including whether or not to correct the result and whether any other action should be taken;
keep a record of the decision it makes in respect of: whether any Adverse Effect has occurred or is likely to occur, whether or not to correct the result and on any other action it takes to prevent, mitigate or correct any Adverse Effect. It should be able to explain, on a case-by-case basis, what action it has taken and why.

What should an awarding organisation consider when deciding what action to take?

- Where an awarding organisation discovers that it has issued an incorrect result, it must take all reasonable steps to prevent any Adverse Effect which could be caused or, where this is not possible, to mitigate and correct any Adverse Effect. An Adverse Effect is most likely to be caused where the issuing of the incorrect result:
  - prejudices the Learner who has been issued with the result or prejudices other Learners;
  - adversely affects the standard of the qualification; or
  - adversely affects public confidence in regulated qualifications.

- In some instances, issuing an incorrect result could cause more than one Adverse Effect and these could happen at different times.

- Where the issuing of the incorrect result has had or could have an Adverse Effect, the default position is that the awarding organisation should correct the result. In most cases this will either prevent the Adverse Effect from occurring or otherwise mitigate or correct it.

- However, we recognise that correcting the result may have a negative impact such that, balancing this impact against the Adverse Effect(s) involved, it would not be a reasonable step for the awarding organisation to correct the result.

- Even where the awarding organisation does not consider the issuing of the incorrect result has had or could have an Adverse Effect, it will have breached a Condition. Correcting the result will help remedy that breach. Again, we recognise that in some cases the negative impact of correcting the result may be such that this would not be a reasonable course of action for the awarding organisation to take.

- We expect an awarding organisation to consider all relevant factors in order to:
• identify any Adverse Effects caused (or potentially caused) by issuing the incorrect result; and

• decide what action it would be reasonable to take, balancing any Adverse Effect against any negative impact which may be caused by correcting the result.

• The list below sets out factors which we expect an awarding organisation to consider when deciding on a reasonable course of action (alongside any other relevant factors).

  ▪ **Impact on the Learner who has been issued with an incorrect result** – The awarding organisation should consider whether allowing an incorrect result to stand or correcting the result could prejudice the Learner. For example, prejudice may be caused if the result is corrected where the original result has already been used to make decisions, such as whether to re-take a qualification, enrol in further or higher education, or enter employment. Conversely, in some situations allowing a Learner to rely on a result which he/she has not actually achieved may prejudice that Learner.

  ▪ **Impact on other Learners** – The awarding organisation should consider whether allowing an incorrect result to stand could prejudice other Learners. For example, Learner A could miss out on a progression opportunity to Learner B because Learner B has incorrectly been given a higher result than his/her performance merited.

  ▪ **Public confidence** – The awarding organisation should consider the impact on public confidence in regulated qualifications of it issuing an incorrect result and of the action it takes in response.

  ▪ **Standards** – The awarding organisation should consider the impact on the standard of the qualification if it does not correct the error.

  ▪ **Number of Learners affected** – The impacts on other Learners, on standards and on public confidence are likely to be greater if many Learners are affected.

  ▪ **Reliance on the incorrect result by third parties** – Where third parties have relied on, or are likely to rely on, the incorrect result, the awarding organisation should consider whether that increases the
possibility of an Adverse Effect. For example, if a qualification is a licence to practise, the awarding organisation should consider whether allowing a Learner who may not have demonstrated the level of competence indicated by the incorrect result to keep that result could have an Adverse Effect.

- **Timing** – The length of time since the result was issued and any indication given by the awarding organisation that the result may or may not be final.

- **Malpractice** - Whether the Learner’s own actions (including malpractice) contributed to the incorrect result being issued.

  - The extent to which each factor is relevant, and whether there are any others that should be considered, will vary. This could depend, for example, on the purpose of the qualification and how it is used by the Learner or other Users of qualifications. Consideration of all the factors may not all point towards one action.

  - An awarding organisation should determine which factors are relevant and give appropriate weight to these in each case when deciding on its course of action.

**What should an awarding organisation do after deciding what action to take?**

- After deciding what action to take, an awarding organisation should take all reasonable steps to communicate any change in result to any affected Learners and, where appropriate, reissue results and/or certificates.

- **Condition I4.2(a)** requires awarding organisations to take all reasonable steps to issue a certificate and any replacement certificate. Where an awarding organisation has decided to correct the result, it should ensure it does this.

- An awarding organisation should consider any further actions it needs to take.

- In accordance with **Condition B3.5**, the awarding organisation should notify Ofqual of any steps that it has taken or intends to take to prevent an Adverse Effect, or to correct or mitigate any Adverse Effect that occurs.
- In accordance with **Condition A6**, an awarding organisation should consider whether or not its contingency plan should be updated.

- **Condition D3.3** requires that where an event relating to an awarding organisation has had an Adverse Effect, it must review and revise where necessary its approach to the development, delivery and award of qualifications to ensure it remains appropriate.

**What happens where an incorrect result is discovered as part of Review Arrangements or an appeals process?**

- Awarding organisations are required to have in place a process for the appeal of results. In some qualifications, awarding organisations are also required to have Review Arrangements in place (for example for a review of marking in GCSE, AS and A level qualifications). As well as this, Ofqual has put in place an appeals process for some qualifications.

- Following an appeal (or a review) the result must be changed or confirmed as appropriate, in accordance with any relevant requirements (for example those relating to a review of marking in GCSE, AS and A level qualifications).
Appendix H

Extract from Ofqual’s *Project Qualification Level Guidance*\(^8\)

**Guidance on considering Marking Errors on a review or appeal**

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

- for the review of the marking undertaken by the awarding organisation (Condition Project11), and
- for the appeal of the result of an assessment following a review (Condition Project12).

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition Project19). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error, as well as on procedural grounds.\(^2\)

\(^{2}\) Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

A Marking Error is defined as:

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

(a) an Administrative Error [as defined in Condition Project19],
(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or
(c) an unreasonable exercise of academic judgment.

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

Condition Project6 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.³

In addition to this, Conditions Project8 and Project12 contain similar provisions relating to arrangements for the review of Moderation of a Centre's marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition Project19 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error, as well as on procedural grounds.

³ This requirement will not come into force until 1 September 2017.
Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal).

**Purpose of considering Marking Errors**

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

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

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

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

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4 Until such a date as is specified in, or determined under, a notice published by Ofqual, reviews or appeals considering Moderation Errors must not lead to a Learner's result being updated so as to lower that result.
**Guidance on approach to considering Marking Errors**

On any review of marking (in line with Condition Project11.4 and the definition of Marking Error in Condition Project19) the Assessor carrying out the review must consider (in respect of each task in the assessment and the assessment as a whole) whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.

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

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response to a task, and correct any such error.

- Determine whether the task is one where there are only 'right' and 'wrong' marks or one where Assessors are required to exercise their academic judgment. If there are only 'right' and 'wrong' marks, determine whether the 'right' mark was given. Where the 'right' mark was not given, correct the mark. Otherwise, make no change to the mark.

- If the task requires Assessors to exercise their academic judgment:
  - First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.
  - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
  - Where there is no Marking Error make no change to the mark.

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

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the exception
that Condition Project12 does not require that the appeal panel itself must carry out any remarking which is required.

In Condition Project11.4(d), the reasons which are required to be documented on review are 'the reasons for any determination and for any change of mark'. The determinations referred to are decisions (in respect of each task in the assessment and the assessment as a whole), about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented.

Condition Project11.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.

There is no requirement for reasons to be recorded in a particular form. For example, annotations made by an Assessor could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

Condition Project12.9 requires the appeals process to provide for the effective appeal of results on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error. In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

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

**Guidance on academic judgment**

In considering whether or not there has been a Marking Error, the person(s) carrying out a review or appeal will often need to consider whether or not the marking of a task included any unreasonable exercise of academic judgment.
Assessors are appointed by awarding organisations because they have particular skills in the relevant subject area. Assessors are then trained by awarding organisations to ensure that they are prepared to carry out marking appropriately.

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

Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for a response to a task (and a range of ways in which marks can be attributed to that response to a task) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

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

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

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

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

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

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition Project11.5(c)) and are monitored to ensure they are performing their role correctly (Condition Project11.5(e)) and consistently (Condition Project11.5(g)).

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

Extract from Ofqual’s *Pre-reform GCE Qualification Level Guidance*[^9]

**Guidance on considering Marking Errors on a review or appeal**

Awarding organisations which make available GCE (Pre-reform) qualifications are required to have in place arrangements for the review and appeal of marking and Moderation decisions. In relation to marking, an awarding organisation is required to have in place arrangements:

- for the review of the marking undertaken by the awarding organisation (Condition GCE(Pre-reform)10), and
- for the appeal of the result of an assessment following a review (Condition GCE(Pre-reform)11).

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition GCE(Pre-reform)18). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error[^2], as well as on procedural grounds[^3].

[^2]: Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (GCE A level qualifications in Geography, GCE A level qualifications in Physics and GCE A level qualifications in Religious Studies).

[^3]: Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

A Marking Error is defined as:

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

(a) an Administrative Error [as defined in Condition GCE(Pre-reform)18],
(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or
(c) an unreasonable exercise of academic judgment.

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

Condition GCE(Pre-reform)5 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.4

In addition to this, Conditions GCE(Pre-reform)7 and GCE(Pre-reform)11 contain similar provisions relating to arrangements for the review of Moderation of a Centre's marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition GCE(Pre-reform)18 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error,5 as well as on procedural grounds.

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal6).

4 This requirement will not come into force until such a date as is specified in, or determined under, a notice published by Ofqual.
5 Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Moderation Errors to be considered on an appeal will apply only to specified pilot qualifications.

6 Until such a date as is specified in, or determined under, a notice published by Ofqual, reviews or appeals considering Moderation Errors must not lead to a Learner’s result being updated so as to lower that result.

Purpose of considering Marking Errors

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

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

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

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

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition GCE(Pre-reform)10.4 and the definition of Marking Error in Condition GCE(Pre-reform)18) the Assessor carrying out the review must consider (in respect of each task in the assessment and the assessment as a whole) whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.
However, the Assessor should take the following steps for each task in the assessment:

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response, and correct any such error.

- Determine whether the task is one where there are only 'right' and 'wrong' marks or one where Assessors are required to exercise their academic judgment. If there are only 'right' and 'wrong' marks, determine whether the 'right' mark was given. Where the 'right' mark was not given, correct the mark. Otherwise, make no change to the mark.

- If the task requires Assessors to exercise their academic judgment:
  - First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.
  - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
  - Where there is no Marking Error make no change to the mark.

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

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the exception that Condition GCE(Pre-reform)11 does not require that the appeal panel itself must carry out any remarking which is required.7

In Condition GCE(Pre-reform)10.4(d), the reasons which are required to be documented on review are 'the reasons for any determination and for any change of mark'. The determinations referred to are decisions (in respect of each task in the assessment and the assessment as a whole), about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented. Condition GCE(Pre-reform)10.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.
As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications.

There is no requirement for reasons to be recorded in a particular form. For example, annotations on a script could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

Condition GCE(Pre-reform)11.9 requires the appeals process to provide for the effective appeal of results on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error. In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

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

Guidance on academic judgment

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

Assessors are appointed by awarding organisations because they have particular skills in the relevant subject area. Assessors are then trained by awarding organisations to ensure that they are prepared to carry out marking appropriately.
Assessors are often required to use these skills to make a professional judgment of what mark should be awarded to a particular answer. We refer to this as exercising academic judgment.

Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for an answer (and a range of ways in which marks can be attributed to that answer) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

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

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

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

- Where the marking of an answer is unduly strict or lenient, beyond the bounds of what might reasonably be expected of a trained Assessor properly applying the mark scheme.

- Where a piece of information given as part of an answer was not given a mark but where any Assessor acting reasonably and who had the appropriate knowledge and training should have given a mark.

- Where the marking of an answer suggests that the Assessor had no rationale for his/her awarding of marks.

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

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8 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications.
forward by a Learner/Centre would be a more appropriate exercise of academic judgment.

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition GCE(Pre-reform)10.5(c)) and monitored to ensure they are performing their role correctly (Condition GCE(Pre-reform)10.5(e)) and consistently (Condition GCE(Pre-reform)10.5(g)).

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

Extract from Ofqual’s *GCE Qualification Level Guidance*¹⁰

**Guidance on considering Marking Errors on a review or appeal**

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

- for the review of the marking undertaken by the awarding organisation (Condition GCE17), and
- for the appeal of the result of an assessment following a review (Condition GCE18).

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition GCE26). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error,² as well as on procedural grounds.³

A Marking Error is defined as:

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

(a) an Administrative Error [as defined in Condition GCE26],
(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or
(c) an unreasonable exercise of academic judgment.

2 Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are GCE (Pre-reform) qualifications).

3 Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

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

Condition GCE12 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.⁴

In addition to this, Conditions GCE14 and GCE18 contain similar provisions relating to arrangements for the review of Moderation of a Centre’s marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition GCE26 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error,⁵ as well as on procedural grounds.

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal⁶).

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⁴ This requirement will not come into force until such a date as is specified in, or determined under, a notice published by Ofqual.

⁵ Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Moderation Errors to be considered on an appeal will apply only to specified pilot qualifications (which are GCE (Pre-reform) qualifications).

⁶ Until such a date as is specified in, or determined under, a notice published by Ofqual, reviews or appeals considering Moderation Errors must not lead to a Learner’s result being updated so as to lower that result.
Purpose of considering Marking Errors

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

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

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

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

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition GCE17.4 and the definition of Marking Error in Condition GCE26) the Assessor carrying out the review must consider (in respect of each task in the assessment and the assessment as a whole) whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.

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

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response, and correct any such error.
- Determine whether the task is one where there are only 'right' and 'wrong' marks or one where Assessors are required to exercise their academic judgment. If there are only 'right' and 'wrong' marks, determine whether
the 'right' mark was given. Where the 'right' mark was not given, correct the mark. Otherwise, make no change to the mark.

- If the task requires Assessors to exercise their academic judgment:
  - First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.
  - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
  - Where there is no Marking Error make no change to the mark.

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

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the exception that Condition GCE18 does not require that the appeal panel itself must carry out any remarking which is required.7

In Condition GCE17.4(d), the reasons which are required to be documented on review are 'the reasons for any determination and for any change of mark'. The determinations referred to are decisions (in respect of each task in the assessment and the assessment as a whole), about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented. Condition GCE17.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.

There is no requirement for reasons to be recorded in a particular form. For example, annotations on a script could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

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7 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are GCE (Pre-reform) qualifications).
Condition GCE18.9 requires the appeals process to provide for the effective appeal of results on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error. In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

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

**Guidance on academic judgment**

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

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

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

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8 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are GCE (Pre-reform) qualifications).
Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for an answer (and a range of ways in which marks can be attributed to that answer) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

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

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

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

- Where the marking of an answer is unduly strict or lenient, beyond the bounds of what might reasonably be expected of a trained Assessor properly applying the mark scheme.

- Where a piece of information given as part of an answer was not given a mark but where any Assessor acting reasonably and who had the appropriate knowledge and training should have given a mark.

- Where the marking of an answer suggests that the Assessor had no rationale for his/her awarding of marks.

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

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition GCE17.5(c)) and monitored to ensure they are performing their role correctly (Condition GCE17.5(e)) and consistently (Condition GCE17.5(g)).
We expect that awarding organisations should, in line with these obligations, take particular steps to develop consistent practice over time in the making of decisions on whether there has been any unreasonable exercise of academic judgment leading to a Marking Error.
Appendix K

Extract from Ofqual’s GCSE (A* to G) Qualification Level Guidance

Guidance on considering Marking Errors on a review or appeal

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

- for the review of the marking undertaken by the awarding organisation (Condition GCSE(A* to G)9), and
- for the appeal of the result of an assessment following a review (Condition GCSE(A* to G)10).

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition GCSE(A* to G)17). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error,2 as well as on procedural grounds.3

2 Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE (A* to G) qualifications).

3 Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

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A Marking Error is defined as:

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

(a) an Administrative Error [as defined in Condition GCSE(A* to G)17],

(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

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

Condition GCSE(A* to G)4 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.4

In addition to this, Conditions GCSE(A* to G)6 and GCSE(A* to G)10 contain similar provisions relating to arrangements for the review of Moderation of a Centre's marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition GCSE(A* to G)17 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error,5 as well as on procedural grounds.

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal6).

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4 This requirement will not come into force until such a date as is specified in, or determined under, a notice published by Ofqual.
Purpose of considering Marking Errors

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

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

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

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

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition GCSE(A* to G)9.4 and the definition of Marking Error in Condition GCSE(A* to G)17) the Assessor carrying out the review must consider (in respect of each task in the assessment and the assessment as a whole) whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.
However, the Assessor should take the following steps for each task in the assessment:

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response, and correct any such error.

- Determine whether the task is one where there are only 'right' and 'wrong' marks or one where Assessors are required to exercise their academic judgment. If there are only 'right' and 'wrong' marks, determine whether the 'right' mark was given. Where the 'right' mark was not given, correct the mark. Otherwise, make no change to the mark.

- If the task requires Assessors to exercise their academic judgment:
  - First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.
  - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
  - Where there is no Marking Error make no change to the mark.

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

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the exception that Condition GCSE(A* to G)10 does not require that the appeal panel itself must carry out any remarking which is required.7

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7 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE (A* to G) qualifications).

8 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE (A* to G) qualifications).
In Condition GCSE(A* to G)9.4(d), the reasons which are required to be documented on review are 'the reasons for any determination and for any change of mark'. The determinations referred to are decisions (in respect of each task in the assessment and the assessment as a whole), about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented. Condition GCSE(A* to G)9.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.

There is no requirement for reasons to be recorded in a particular form. For example, annotations on a script could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

Condition GCSE(A* to G)10.9 requires the appeals process to provide for the effective appeal of results on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error. In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

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

**Guidance on academic judgment**

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

Assessors are appointed by awarding organisations because they have particular skills in the relevant subject area. Assessors are then trained by awarding organisations to ensure that they are prepared to carry out marking appropriately.
Assessors are often required to use these skills to make a professional judgment of what mark should be awarded to a particular answer. We refer to this as exercising academic judgment.

Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for an answer (and a range of ways in which marks can be attributed to that answer) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

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

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

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

- Where the marking of an answer is unduly strict or lenient, beyond the bounds of what might reasonably be expected of a trained Assessor properly applying the mark scheme.

- Where a piece of information given as part of an answer was not given a mark but where any Assessor acting reasonably and who had the appropriate knowledge and training should have given a mark.

- Where the marking of an answer suggests that the Assessor had no rationale for his/her awarding of marks.

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

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition GCSE(A* to
G)9.5(c)) and monitored to ensure they are performing their role correctly (Condition GCSE(A* to G)9.5(e)) and consistently (Condition GCSE(A* to G)9.5(g)).

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

Extract from Ofqual’s GCSE (9 to 1) Qualification Level Guidance

Guidance on considering Marking Errors on a review or appeal

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

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

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition GCSE26). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error,2 as well as on procedural grounds.3

2 Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).

3 Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

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A Marking Error is defined as:

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

(a) an Administrative Error [as defined in Condition GCSE26],

(b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

(c) an unreasonable exercise of academic judgment.

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

Condition GCSE12 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.4

In addition to this, Conditions GCSE14 and GCSE18 contain similar provisions relating to arrangements for the review of Moderation of a Centre’s marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition GCSE26 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error5, as well as on procedural grounds.

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal6).

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

5 Until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Moderation Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).

6 Until such a date as is specified in, or determined under, a notice published by Ofqual, reviews or appeals considering Moderation Errors must not lead to a Learner’s result being updated so as to lower that result.
Purpose of considering Marking Errors

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

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

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

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

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition GCSE17.4 and the definition of Marking Error in Condition GCSE26) the Assessor carrying out the review must consider (in respect of each task in the assessment and the assessment as a whole) whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.

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

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

- First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.

- Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.

- Where there is no Marking Error make no change to the mark.

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

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the exception that Condition GCSE18 does not require that the appeal panel itself must carry out any remarking which is required.7

In Condition GCSE17.4(d), the reasons which are required to be documented on review are 'the reasons for any determination and for any change of mark'. The determinations referred to are decisions (in respect of each task in the assessment and the assessment as a whole), about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented. Condition GCSE17.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.

There is no requirement for reasons to be recorded in a particular form. For example, annotations on a script could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

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7 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).
Condition GCSE18.9 requires the appeals process to provide for the effective appeal of results on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error. In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

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

**Guidance on academic judgment**

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

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

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

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8 As noted above, until such a date as is specified in, or determined under, a notice published by Ofqual, the requirement for Marking Errors to be considered on an appeal will apply only to specified pilot qualifications (which are not GCSE Qualifications).
Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for an answer (and a range of ways in which marks can be attributed to that answer) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

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

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

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

- Where the marking of an answer is unduly strict or lenient, beyond the bounds of what might reasonably be expected of a trained Assessor properly applying the mark scheme.

- Where a piece of information given as part of an answer was not given a mark but where any Assessor acting reasonably and who had the appropriate knowledge and training should have given a mark.

- Where the marking of an answer suggests that the Assessor had no rationale for his/her awarding of marks.

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

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

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

Extract from Ofqual’s *Regulating GCSEs, AS and A levels: guide for schools and colleges*

Marking

We require exam boards to have effective arrangements in place to make sure mark schemes are understood by markers and are being applied accurately and consistently.

Exam boards have their own ways of meeting this rule. Their approaches often depend on whether scripts are marked on paper or electronically (on-screen), as well as whether they are marked by question or as a whole paper.

Where marking is carried out on-screen, exam boards check on an on-going basis the accuracy of each marker’s marking, often by including in their marking allocation ‘seed’ items (selected responses to one or more questions). Senior markers will already have agreed a mark for the ‘seed’ item and determined how much variation they think is acceptable (a marking tolerance). Markers do not know which items are ‘seeds’. If markers award a mark for a seed item which is outside the set tolerance, the marker can be stopped from marking, until they have undertaken further training. The marking they have already completed might be remarked or adjusted. They might be stopped permanently from marking.

Where marking is carried out on paper, markers send samples of their marking to a more senior marker for checking. If a marker is not marking to the required standard, the marker can be stopped from marking. They might be required to undertake further training or be stopped permanently from marking. The marking they have already completed might be remarked or adjusted.

A school or college that wants to understand how a particular exam board quality assures its marking should look on the exam board’s website for information or contact the board.

The great majority of markers are current or retired teachers (*our survey of 10,000 examiners in 2013* found that over 99% were teachers or former teachers). The exam boards recruit markers every year and look for ways to encourage teachers to become markers. Teachers who become markers often find that they enjoy it and notice the benefits it can have on their teaching. Teachers who are interested in becoming

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markers should contact the exam boards. JCQ publish information on the role of an examiner.

Non exam assessment

Not all skills and knowledge can be assessed through exams. Where this is not possible exam boards test these skills and knowledge through non-exam assessments. In GCSEs, AS and A levels that have not been reformed, non-exam assessment is generally described as controlled assessment or coursework.

Some non-exam assessment is marked by teachers in the student’s school or college; some is marked by visiting examiners, or sent to the exam board for marking.

For all reformed GCSEs, AS and A levels we have set out what percentage of the total marks will come from non-exam assessments. Unless this is prescribed in our rules, exam boards decide how many tasks students have to complete and which assessment objectives the tasks will cover. For some subjects we have prescribed the earliest date by which the tasks to be completed by students can be provided to teachers and to students. Exam boards must comply with any such date restrictions.

Exam boards must make sure all assessors, including teachers who are marking their own students’ work, understand how they must mark and that marking is done accurately and consistently.

Each exam board will provide its own instructions on how the non-exam assessments must be undertaken. JCQ has also published detailed guidance about how the exam boards operate their non-exam assessments and what is expected of schools and colleges. JCQ also has guidance on the conduct of coursework.

Exam boards check whether their rules are properly followed. They have different ways of doing so, including through general centre-inspection visits, subject-targeted visits and statistical monitoring (which enables them to identify marks for non-exam assessments that appear out of line with students’ performance in their exams for the subject).

We require exam boards to take all reasonable steps to prevent malpractice and maladministration occurring, including in the way non-exam assessments are undertaken, supervised and marked. We require exam boards to investigate any suspicions or allegations of malpractice or maladministration. We also require exam boards to keep under review what schools and colleges do to prevent and investigate malpractice and maladministration. Exam boards must take action against those responsible for malpractice or maladministration.

Separate reporting of non-exam assessment results
For some of the reformed qualifications, students’ performance in their non-exam assessment is reported in a grade or outcome that is separate to that for the exam assessments for the qualification. This is the case for GCSE English language, for which the outcome of the spoken language assessment is reported separately to the grade for the exams. In A level science qualifications, students’ performance in their practical science assessment is also reported separately to the grade for the exams.

**Moderation**

Exam boards must moderate (or monitor, for qualifications where non-exam assessment is reported separately) any assessments marked within the school or college (internally marked assessment) to make sure marking has been undertaken accurately and consistently between teachers across all schools and colleges. Schools and colleges must comply with the exam boards’ moderation requirements.

An exam board must adjust the marks given to internally marked assessment where they find that marking is out of line with the required standard.

**Awarding**

Once the work of most students has been marked, grade boundaries are set. All exam boards must set grade boundaries according to our rules.

The basic principle that exam boards follow when setting grade boundaries is that if the group of students (the cohort) taking a qualification in one year is of similar ability to the cohort in the previous year then the overall results (outcomes) should be comparable. This is a longstanding principle that exam boards have used for decades.

For AS and A level, exam boards use predictions based on the prior attainment at GCSE of the current year’s cohort. For GCSE, they use predictions based on the prior achievement at key stage 2 of the current year’s cohort. Predictions are used to guide decisions on the key grade boundaries.

Other evidence is also considered, including:

- students’ work (marked exam papers and controlled or non-exam assessment) from the current and previous years
- reports from senior examiners and moderators about how the exam questions worked

When new qualifications are introduced, it is usual to see a dip in performance, as schools and colleges get used to new content, or new styles of assessment. The use of predictions to guide awarding decisions helps to make sure students are not
Disadvantaged by being the first to sit a new qualification. For this reason, we require exam board to place particular emphasis on predictions in the first year of awarding a new GCSE, AS or A level. It also means that we can judge whether the grade standards are in line across exam boards.

The predictions are used to guide awarding decisions at national level and not to predict the grades for individual students.

Before any results are issued, exam boards share the outcomes of their awards with Ofqual. Exam boards must provide evidence to justify any circumstances where the expected results are markedly different from the predictions. We consider that evidence according to a published process. We will either accept the explanation provided by exam boards or challenge the results if the argument is not backed by sufficient evidence.

While national results may remain steady from one year to the next, we know that schools and colleges can see variability in their year-on-year results, even when qualifications don’t change. When qualifications do change, schools and colleges are more likely to see variations in their results. We have published information on this in recent years (for example, see ‘Variability in GCSE results: 2012 to 2015’ and our June 2017 letter to schools).

Reviews of marking, reviews of moderation and appeals

Each exam board must, on request, review whether there were any errors in the original marking of an assessment, or in the moderation of a teacher-marked assessment. They must also allow appeals of decisions made in these reviews.

The relevant qualification level conditions set out the way exam boards must undertake reviews of marking, reviews of moderation, and appeals. Almost all of these conditions will apply for reviews of marking and moderation and for appeals in respect of the qualifications awarded in 2017; some of the new conditions won’t come fully into force until 2018 or later.

Who can ask an exam board for a review or an appeal?

Ofqual sets no requirements about who can request a review of marking, review of moderation or appeal.
We recognise the value in schools and colleges advising their students on whether they should formally question their marks. We do not, therefore, require exam boards to accept requests directly from students.

However, exam boards can decide whether and, if so, in what circumstances, they will accept requests directly from individual students. Each exam board will decide whether to do so, either in all cases or on an exceptional basis.

If an exam board only accepts requests from schools or colleges, and not those made directly by students, the exam board must make sure the school or college gives a student an opportunity to appeal against the school’s or college’s decision not to ask for a review or to appeal.

**Reviews of exam board marked assessments**

When requested to do so, an exam board must arrange for a reviewer to consider whether the original marker made any errors when marking an assessment. Reviewers must be specifically trained to undertake reviews, as the process of reviewing the way a question or a paper has been marked is different to marking the question or paper afresh. Exam boards must also monitor the way reviewers undertake reviews, to assure themselves reviewers are complying with the conditions and are acting consistently.

The exam board must publish its deadlines for receiving requests for reviews and its fees. It must also publish its target turnaround times.

A reviewer must:

1. Consider the original marking.

2. Decide whether there were any administrative errors in the marking. An administrative error typically occurs when a marker misses a question or does not properly total the marks for all questions. If any such errors (however large or small) are found they must be corrected and the grade adjusted if necessary.

3. Check, for each task or question for which there was only 1 possible right answer and therefore mark, whether the right mark was given for the student’s answer. If the marker made an error when marking any such questions the reviewer must remark the question (however large or small the error). The new mark replaces the original one.

4. Decide, for questions or tasks for which a range of responses can earn credit, whether the original mark could have been given by a marker who properly applied the mark scheme to the answer and exercised his or her academic
judgement in a reasonable way. An error is likely to have been made if the reviewer concludes:

- that the original mark was unduly lenient or harsh, given the correct application of the mark scheme
- a marker who had the appropriate subject knowledge and who had been trained to use the mark scheme would have been acting unreasonably in giving the mark
- there was no rational basis for the mark.

5. Re-mark the questions in respect of which the errors were made - however large or small the effect of the error.

If the reviewer finds a marking error, the reviewer’s mark will replace the original mark and the exam board must change the grade if necessary. Any new mark and grade awarded after the review could be higher or lower than that originally given. If the reviewer does not find a marking error the original mark must not be changed. The exam board must tell the school, college or individual student (where the request was accepted from an individual) the outcome of the review.

If the review raises questions about the accuracy of other students’ results the exam board may choose to extend the review to other students’ papers. If it finds errors in the marking of those students’ papers, they may replace the original mark, and the grade if necessary. Any new mark and grade awarded after the review could be higher or lower than that originally given.

Providing reasons for the outcome of a review

A school or college (or student, where the exam boards accepted a request from an individual) can ask the exam board to give reasons for the outcome of a review. The exam board must provide the reasons on request. Because the turnaround time for reviews can be important for a student’s progression, we do not currently require exam boards to provide reasons at the same time as they communicate the outcome, as this might delay the outcome being communicated.

From 2020, we will require exam boards to provide reasons automatically (rather than waiting for a school or college to request them), but some exam boards may start providing reasons automatically sooner. An appeal can be made before the exam board provides reasons.

A mark will only change where the reviewer found the original marker made a marking error. In most cases, where the mark has not been changed on review, the reason will be
that the reviewer found no marking error. An exam board might choose to communicate this when it provides the outcome of the review.

Occasionally, a reviewer might find 2 or more different errors on review which, when corrected, result in no overall mark change (they cancel each other out). Exam boards must provide reasons for this, if requested to do so (unless they provide the reason when they communicate the outcome of the review).

Exam boards will have their own ways of providing reasons for review outcomes on request.

**Students requests for a review of teacher-marked (internal) assessment**

Exam boards currently require schools and colleges to provide an opportunity for students to appeal to them about teacher-marked (internal) assessments that contribute to a GCSE, AS or A level.

From summer 2018, we are strengthening our rules in this area, making this current exam board practice mandatory. We will also introduce rules about how these reviews should be conducted at the same time.

**Reviews of exam board moderation**

A school or college can ask for the outcome of an exam board’s moderation to be reviewed by the exam board. The request must be made on behalf of the whole of the school or college’s cohort for that component. The exam board must publish its deadline for receiving such requests and its fees.

The reviewer must consider whether the moderator made any errors. As with exam marking, an error is likely to have been made if the reviewer concludes that:

1. the moderator was unduly lenient or harsh.

2. a moderator who had the appropriate subject knowledge and who had been trained to moderate the assessment would have been acting unreasonably in giving the moderation outcome.

3. there was no rational basis for the moderation outcome.

If the reviewer does not find a moderation error the outcome must not be changed. If the reviewer finds there was an error, the reviewer must re-moderate the teacher’s marking and adjust the marks appropriately. The exam board will normally adjust the grades where necessary.
Currently, if a review of moderation finds that a student had been given a grade that was too high, the grade will not be reduced. There is no equivalent protection of a grade that is too high when such an error is found in other circumstances, and we intend to withdraw this automatic protection in due course. We will announce when the protection is removed.

**Timelines for reviews and appeals**

Each exam board must set and publish its own timelines, including the deadlines by which requests for a review or an appeal must be received. The exam boards have set common deadlines for 2017.

Our rules do not specify set dates for the completion of reviews and appeals, but do set out minimum timescales that exam boards must meet. These ensure common, minimum timelines for students, schools and colleges.

**Fees**

Exam boards can charge a fee for reviewing a mark and for considering an appeal. They have to publish the fees they will charge, and be clear about any circumstances in which they will not charge.

**Access to marked scripts**

Schools and colleges can ask exam boards to give them access to marked AS and A levels scripts. Exam boards set a deadline for the receipt of requests for returned scripts. When asked by a school or college to do so, by their deadline, they must provide a copy of the student’s marked script in time for the school or college to decide whether to ask for the marking to be reviewed. Where a school or college wants a review completed quickly, due to the timescales imposed by university admissions arrangements, an exam board may offer a different approach. This is a well-established practice. Exam boards may charge for this service.

From summer 2020, exam boards will have to make GCSE scripts available (or request) before their deadline for requesting a review of marking. Some exam boards intend to do this sooner.

**Mark schemes**

Exam boards must make mark schemes available before the deadline for schools and colleges deciding whether to request a review of marking of the corresponding assessments.
**Appeals**

If a school or college remains concerned about an outcome following a review, it can appeal to the exam board. Appeals can be on the grounds that:

- an exam board did not apply its procedures consistently or that procedures were not followed properly and fairly

- in AS and A levels (as well as project qualifications), but not GCSEs, there was an error in the original marking or moderation, or in the review of that marking or moderation - i.e. that
  - an administrative error (such as adding up marks incorrectly) had not been corrected
  - the mark scheme was not properly applied
  - the mark could not have been given by a trained marker, who had appropriate subject knowledge, and who had exercised their academic judgement in a reasonable way

This second ground for appeal is new for 2017, and will be rolled out to some GCSEs in 2018, and to the rest in 2019.

Appeals can also be made in respect of:

1. Decisions regarding requests for reasonable adjustments and special consideration.

2. Decisions regarding actions taken following an investigation into malpractice or maladministration.

The setting of a grade boundary cannot be the subject of an appeal.

An exam board must make sure that those making appeal decisions are competent to do so, have no personal interest in the outcome, and were not involved in the original marking or moderation or the review of the marking or moderation. The final decision must involve at least 1 decision maker who is not connected to the exam board.

An exam board may choose to offer the school or college (or individual student whose appeal was accepted by the exam board) the opportunity to attempt to resolve the disagreement without the need for a full and formal appeal hearing. This may be welcomed as a potentially quicker and cheaper option, but we do not require that this approach is offered and the opportunity for a full appeal must remain available.
Each exam board must publish its appeal arrangements (including any requirements for submitting an appeal), its fees and deadlines.

**The exam procedure review service**

Schools and colleges who, having exhausted the exam board’s appeals process, are still unhappy with the result can ask Ofqual to review the case through the exam procedure review service (EPRS).
Diagram of the review and appeals system