

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star*

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Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?*

Personal response (Please answer the question 'If you ticked 'personal views'...')

Official response (Please answer the question 'If you ticked "Official response from an organisation/group"...')

If you ticked 'Personal views', which of the following are you?

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (Please state below)

If you ticked "Official response from an organisation/group", please respond accordingly:

Type of responding organisation*

Awarding organisation

Local authority

School or college (please answer the question below)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group (please answer the question below)

School or college type

- Comprehensive or non-selective academy
- State selective or selective academy
- Independent
- Special school
- Further education college
- Sixth form college
- Other (please state below)

Type of representative group or interest group

- Group of awarding organisations
- Union
- Employer or business representative group
- Subject association or learned society
- Equality organisation or group
- School, college or teacher representative group
- Other (please state below)

Nation*

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: _____
- Non-EU country: _____

How did you find out about this consultation?

Our newsletter or another one of our communications

Our website

Internet search

Other

Through discussion with Ofqual

May we contact you for further information?

Yes No

Joint Response Summary

As previously communicated in the joint response to Ofqual's Regulatory Impact Assessment, of the Awarding Organisations offering GCSE, AS and A-Level qualifications in England, it is important to note that the proposed Conditions will come into force during a period of significant qualification reform, resulting in their operating across both legacy and new qualifications at the same time. Careful consideration must be given to ensure a consistent, fair and equitable service across qualifications throughout the period of transition.

With regard to the timing of the implementation of the proposed conditions for reviews of marking, moderation and appeals, we consider that the level of system development and testing required, at a time when the Awarding Organisations have prioritised, and are already committing significant development resource to the delivery the Government's GQ reforms, effectively rules out implementation this summer, 2016, and next, without a very high degree of risk. The impact of the proposals in the consultation will vary by Awarding Organisation (in part due to a diversity of technology systems and operational processes and procedures), consequently it is for each organisation to determine and set out how and when each aspect of the reforms can be implemented safely.

In addition, against the backdrop of already highly complex qualification reform and the dual running of new and legacy specifications, the potential to create confusion and misunderstanding in relation to a high-stakes, time critical process is high.

Whilst, as stated above, it is for each Awarding Organisation to set out how and when the proposed reforms can be implemented, this risk, of confusion amongst users of post results services, will be increased if Awarding Organisations' services were to diverge, particularly at a time when new qualifications are being introduced. Proper time must be allowed for thorough and effective communications to schools and colleges, since anything else would clearly not be in the interests of qualification users.

Further, from a stakeholder perspective it would seem desirable to have in place a consistency of approach in England, Wales and Northern Ireland. Consequently we would reiterate that we strongly encourage Ofqual to involve other regulators in this process to minimise the potential for stakeholders to be confused or worse, in the

case of students, to be disadvantaged by the operation of differing systems in neighbouring jurisdictions.

In the absence of a clear policy decision from Ofqual, it is not reasonable to expect Awarding Organisations to invest considerable time and resource in the business analyses required to quantify specific implementation timeframes and costs associated with the implementation of the proposed Conditions. However, it is clear that any Conditions that necessitate systems change, of which there are many, cannot now be implemented in time for Summer 2016 post results.

That is not to say that the Code could not be withdrawn in line with Ofqual's proposed timeline (of Summer 2016), but rather that agreement should need to be reached, between the Awarding Organisations and Ofqual, as to the phased introduction of the intended post 2016 reforms and the required changes, to systems and to processes, that are implied by the Conditions within the consultation.

For 2016, Awarding Organisations consider there to be a number of changes that can be made, where there are no systems implications, to ensure alignment of existing ways of working with the intentions of the proposals within the consultation.

These can be summarised as follows:

Reviewer Training

We will review our instructions to Reviewers with a significantly increased emphasis on "reviewing" not re-marking, so that we can attempt to reduce the likelihood of marks derived from legitimate interpretations of the mark scheme being replaced with alternative, equally legitimate marks.

Access to scripts

We will set out our expectations of Examiners and Reviewers in relation to clear, good quality annotations on both original scripts and on those that have been submitted for review (making better use of existing system functionality).

Feedback to centres following the completion of a review

We will review the content of outcome letters sent to schools and colleges where no changes in result have arisen and will consider the potential to provide more detailed feedback where results have changed by 2 grades or more; feedback that would be provided post hoc so as not to delay the delivery of outcomes to students.

In relation to Awarding, we consider that current Awarding Organisation practices are compliant with the proposed Conditions that will replace the provisions of the Code, consequently, notwithstanding the points of clarification sought and the suggestions made in the response below, we consider that the related Conditions could be implemented in full for Summer 2016.

AQA Supplementary Response

To implement the changes proposed in the consultation, most notably in relation to marking reviews and reviews of moderation, would require redevelopment of AQA's systems and procedures since a number of requirements of the proposals are not current system functionality. This would incur significant one off costs and risks. We would also anticipate an increase in like-for-like operating costs due to the additional activity necessitated.

AQA is making a multimillion pound investment in new systems which will be used to deliver Summer Series 2020, the functionality required to deliver the proposed changes can be incorporated best (for least risk) in this time frame by being integrated into an existing programme of work, with the necessary funding, governance and risk management. Making changes earlier will require us to undertake the work twice, firstly to redevelop existing systems (which carries very significant risk) and secondly in the development of new systems.

In addition, because of the technical complexities that have grown over time as current systems have evolved and expanded, making changes to legacy systems increases the risk of failure and, therefore, the delivery of current examination series.

Any such changes would also divert technical resource and expertise away from supporting current systems and from developing the essential new systems, for 2020.

The requirements proposed in the consultation require bespoke software development, which will take time: longer in itself than the 2016 timeline even if production were to commence now. Software solutions will need substantial testing in order to work at scale. With legacy systems this typically requires an autumn series pilot of the solution for a use in a summer series 18 months later.

AQA also utilises two supply partners for the provision of eMarking services (RM and DRS), whose systems would also need to be redeveloped to accommodate the requirements implied within the proposed Conditions (AQA's systems' interfaces

would also require extensive, related redevelopment and testing). These eMarking service providers are used by other JCQ Awarding Organisations and consideration must also be given to the potential complexity of agreeing cross-industry requirements (and funding) to deliver the required e-marking system changes.

It is not possible to quantify or to meaningfully estimate the costs and risks that would be incurred in the delivery of the proposed changes without undertaking a detailed project analysis. In the absence of a clear policy decision from Ofqual and, therefore, a set of requirements against which to undertake such an analysis, we have not invested time or resource in establishing a time and cost estimate for the required work that we would be prepared to commit to. However, we have set out below more detail on the specific systems challenges presented by the changes proposed in the consultation, if implementation were required ahead of 2020.

Systems and services that will require change

e-AQA, our online customer interface, will require development to enable customers to lodge requests for the revised services and for the reporting back of outcomes, redevelopment of the interfaces between e-AQA and related marking and results systems will also be necessary.

There will be a significant impact on our core examination processing system (EPS), in order to capture the review outcomes and Reviewer feedback and to apply rules to determine the award outcomes and feedback to e-AQA

To deliver the proposed Access to Scripts service would require the development of an entirely new system, capable of making the material available from either our suppliers' or our own systems, to our customers.

As noted above, the various marking/e-marking solutions provided by third party suppliers (DRS, RM and BTL) will require re-development, for example to enable the monitoring of Reviewer performance and to capture Reviewer feedback / commentary – these are new processes and new details to be captured, which will also require the development of new system rules and amendments to interfaces to and from other systems / services. Development lead times with suppliers is usually a minimum of 18 months for changes of this significance.

There will be a requirement to redevelop examiner payments and the associated interfaces with finance systems

There is a potential impact on the invoicing of schools and colleges for the revised services, and on the associated interfaces between our operational and finance systems.

The need to train Reviewers in how to undertake reviews of marking and moderation will require either the development of new or the re-development of existing training systems and services.

It will be necessary to redevelop the interfaces between impacted operational systems and AQA's Management Information System, to enable progress reporting, KPI reporting and Reviewer monitoring.

Other Considerations

During implementation, it may prove desirable, from a risk management perspective, for elements of both existing systems and new system features to run in parallel, for example on pilots subjects / centres, which will add to implementation complexity.

The level of full end To end systems testing, given the high profile nature of these services, will, by necessity, be significant and should not be underestimated.

Other than those changes that may be possible for 2016, as set out above in the JCQ response, and whilst it is technically possible to redevelop existing systems in time to implement the required changes earlier, for all of the reasons stated above Summer 2020 represents the earliest series in which the required system developments should be implemented within AQA.

On the subject of Appeals, whilst we fully accord with the JCQ position - that it is not clear what is intended by allowing appeals on the grounds of marking reliability (since this right of appeal will be met through the reformed Review of Marking services) and that to do so raises very significant operational risks - we do consider there to be merit in exploring the possibility of an Ombudsman approach, which could be used to bring resolution only to the most serious and complicated of cases.

Implementation of any of the changes described above would benefit from rapid decision-making, following consultation, by Ofqual.

Questions

Part A – Review of marking and appeals of GCSEs, AS and A levels

1. To what extent do you agree or disagree with the following proposals for the new system for reviews of marking?

That we should require an exam board to:

a) Make marked assessments available to centres and/or candidates before its deadline for requesting a review of marking or the correction of an administrative error.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

We agree that Awarding Organisations should make provision to enable centres and / or candidates to access marked scripts before requesting a review of marking or the correction of an administrative error.

Planning for Summer 2016 is near complete, as are any system developments. This effectively rules out the potential for such a significant change in service this year without implementing a manual solution. Such a manual intervention would be prohibitively burdensome and may materially impact Awarding Organisations' resources. It would be for individual Awarding Organisations to determine what, if any, of this impact was passed on to service users, but it is clear that the implementation of changes in 2016 would leave schools and colleges with insufficient lead time to plan and to budget accordingly.

Furthermore, before substantial resource is committed to systems developments to allow the proposed access to scripts, it should first be established that there is demand for this service within schools and colleges, and that the perceived benefit would justify the cost.

It is important to note that the ability to access all marked scripts prior to requesting a review may not be universally popular amongst teaching groups – concerns have been raised that teachers may be encouraged to give up school holiday time to carry out wholesale reviews of scripts in order to target script selection for review.

In terms of priority scripts, there is recognition that this is a growing requirement at GCSE, but not in all subjects. Maths and English should be the focus of initial efforts.

AQA supplementary response

It would require detailed analysis and engagement with our on-screen marking supply partners to determine implementation timescales and costs. Whilst in transition to fully on-screen marking, we would need to consider the significant logistical costs / capacity to deliver and the attendant risks. During the period of transition, any interim digital solution will incur considerable costs, for example in relation to the creation of PDF documents and in the resources required to deliver and manage the service.

b) Make the mark scheme for an assessment available at the same time as or before it makes the marked assessments available.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

This reflects standard Awarding Organisation practice at the current time.

c) Have arrangements in place to correct administrative errors that are identified.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

Awarding Organisations always seek to correct any administrative errors that are identified subsequent to the publication of results, and would continue to do so.

It will be up to each Awarding Organisation to determine how this requirement is met operationally.

AQA supplementary response

As part of our customer service approach, AQA works with schools and colleges during the post results period to understand and address any legitimate concerns that may be raised. This often obviates the need for the use of more formal post results services, particularly in relation to issues such as administrative errors, which we would always seek to correct.

d) At a review of marking, change marks where an error has been made, but not change a mark that could reasonably have been given by a marker applying the mark scheme and any relevant marking procedures to a candidate's assessment.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

Legitimate marks should not be changed upon review, even if the case for an alternative (possibly higher), legitimate mark can be made. To do otherwise risks creating a systemic bias in favour of those with the greatest access to post results services.

In reaching a decision, Reviewers should take account of all available evidence and as such the review would constitute a more forensic approach than that offered by a re-mark.

Further and extensive work to develop a framework will be necessary to ensure comparability between Awarding Organisations, including a common, cross-board approach to defining what is meant by an unacceptable difference of opinion and how this would be recorded and communicated to centres.

Any change to the post results system will require clear communication to schools and colleges. In this instance, setting out the approach and the supporting rationale (reinforcing the intended purpose of an EAR – being a review of the application of the mark scheme) and explaining the possible review outcomes, and the timings of their release will be of critical importance if we are to hope to reduce the number of

speculative enquiries. This will take time to achieve and will not be possible in advance of the summer 2016 examination series.

In order to meet this proposed condition, the criticality of the roles that both recruitment and training will play in ensuring reviewers are capable and equipped to determine the reasonableness or otherwise of original markers' applications of mark schemes must not be underestimated.

From a recruitment perspective, we intend to influence the recruitment of suitable Reviewers in 2017 by conducting post-series analyses of June 2016 EAR outcomes.

Reviewers will be trained to identify and distinguish between differences of opinion that are legitimate and those differences that are not, in terms of the mark that should be credited to a student's response. This distinction between marking error and legitimate differences of opinion will be a key theme of future Reviewer training.

As such, the training will leverage the knowledge gained, through standardisation, prime marking, marking review meetings and awarding etc., of how questions and mark schemes have performed in the live environment – this depth of understanding is not available at time of standardisation and so will allow for an improved training experience.

Reviewers will also be trained in Awarding Organisation processes, procedures and systems pertaining to the carrying out of post results reviews, including expectations of standards relating to centre feedback, annotations, and explanations of decisions with references to mark schemes etc.

The use of different training materials and formats will be trialled and evaluated as part of an on-going Research and Testing Programme.

Furthermore, recognising the strong behavioural element that must be considered in the development of Reviewer training (and possibly system development), we intend to carry out a literature review to better inform our understanding in the area of examiner behaviour.

The development of the training described above will necessarily take time and will need to be tested and evaluated before delivery at scale. In the interim, in 2016 we will review our instructions to Reviewers with an emphasis on "reviewing" and not re-marking and set out our expectations in relation to clear, good quality annotations on scripts.

AQA supplementary response

Further to the above JCQ position, due to the significant changes required both to AQA's systems and to those of our eMarking supply partners in order to develop the functionality required by the Conditions, the earliest possible series in which the system changes could be implemented is Summer 2018.

e) Following a review of marking, provide centres with an explanation for the decision taken.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

Awarding Organisations currently provide letters, alongside post results outcomes, to schools and colleges. It is recognised that there is a degree of frustration amongst service users as to the generic nature of aspects of the content of the letters received.

Consequently we agree that greater explanation of outcomes / review decisions should be made available to centres. However this has operational and systems implications since the ability to capture reviewer commentary is not current system functionality, neither is it a requirement contractually placed upon reviewers at the current time (and some Awarding Organisations have already issued contracts for 2016).

For 2016, we will review the content of the letters sent to schools and colleges where no change in student outcome has occurred, and we will consider the potential to provide more detailed feedback where grades have changed by 2 grades or more, which would be provided post hoc so as not to delay the delivery of outcomes to students.

f) Make sure that candidates have access to the marks for teacher-marked assessments in time to consider whether to request a review of these marks by the centre.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We require centres to have in place appeals processes, but the methodology for enabling the appeals should, in our view, be for centres to determine, based on their individual circumstances, and not one that should be prescribed by Awarding Organisations.

Such appeals have the potential to create operational issues for moderation and results production for Awarding Organisations since appeals may, despite centres best efforts, extend beyond Awarding Organisation submission deadlines. (In such circumstances, Awarding Organisations may feel obliged to accept marks that are subject to appeal and, therefore, have the potential to change.)

This proposal also has the potential to undermine the wider necessity to ensure schools and colleges have a sufficient period of time to reliably mark assessments, time which would be eroded by the implementation of an appeals period / window sufficiently in advance of Awarding Organisations' submission dates.

g) Make sure that candidates can seek a review of teacher-marked assessment by their centre and have access to the materials they need to consider whether to request such a review.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

See response to "F" above. It is not considered to be reasonable to expect Awarding Organisations to ensure this is the case across all schools and colleges, the effort required to monitor such arrangements would in itself be disproportionately burdensome. However, it is considered reasonable to expect Awarding Organisations to oblige schools and colleges to have appropriate policies in place.

h) Only allow requests for a review of moderation to be made by a centre.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

Since moderation operates at centre cohort level, we consider this to be the only viable basis on which requests for reviews of moderation can be made.

i) Following a review of a moderation decision, change the outcome of that moderation only where that outcome could not reasonably have been arrived at by a moderator who had considered candidates' work, the teacher's mark and the mark scheme and any relevant procedures, but not change the outcome of the moderation where it represented a reasonable outcome.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We consider the same overriding principles to apply, as to examined assessments, in relation to legitimate differences of opinion and the requirement only to make changes where the original mark could not reasonably have been awarded, with reference to appropriate criteria / evidence etc.

Implementation constraints and our intentions for 2016 are as stated in "D", above, for examined assessments.

j) Following a review of moderation, provide centres with an explanation for the decision taken.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

As stated above in "E", in relation to current EAR outcomes, Awarding Organisations provide letters, alongside post results outcomes, to schools and colleges. It is recognised that there is a degree of frustration amongst service users as to the generic nature of aspects of the content of the letters received.

Consequently we agree that greater explanation of outcomes / review decisions should be made available to centres. However this has operational and systems implications since the ability to capture Reviewer commentary is not current system functionality, neither is it a requirement contractually placed upon reviewers at the current time (and some Awarding Organisations have already issued contracts for 2016).

For 2016, we will review the content of the letters sent to schools and colleges where no change in student outcome has occurred, and we will consider the potential to provide more detailed feedback where grades have changed by 2 grades or more, which would be provided post hoc so as not to delay the delivery of outcomes to students.

k) Allow a centre or an external candidate to appeal against a mark (or outcome of moderation) only once a review of marking (or moderation) is complete.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We cannot allow an appeal against an individual moderation outcome, only at cohort level due to the way moderation works.

It has been assumed that this relates to appeals against the marks awarded in a controlled assessment, and not in relation to the marks awarded in other (examined) units for the same subject / qualification award.

I) Allow an appeal against marking or moderation only on the grounds that:

- **the mark could not reasonably have been awarded on the basis of consideration of the candidate's work against the mark scheme and any relevant procedures,**
- **the moderation decision could not reasonably have been made by a moderator who had considered the candidate's work, the teacher's mark and the mark scheme and any relevant procedures, or**
- **the exam board did not properly apply its own procedures**

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

The expansion of the existing provision of the Code for the grounds on which appeals can be brought to Awarding Organisations, to include the reasonableness of the application of the mark scheme (i.e. marking reliability), is considered to be problematic.

We recognise and understand centres' frustrations that, in the event of their dissatisfaction with the outcomes of their post results enquiries, they cannot appeal further on the grounds of marking reliability; being able only to appeal, instead, on procedural grounds.

However, it is not clear how schools and colleges would be able, in practice, to evidence that a mark scheme had not been applied reasonably, in a way that would not be manifestly clear and, therefore, rectified routinely by Awarding Organisations through post results or other customer services, before the need for an appeal would become necessary.

Neither is it clear how an appeal decision-making body could be constituted such that it had the expertise to judge whether or not the marking standard had been appropriately applied, whilst at the same time commanding the confidence of both Awarding Organisations (who perceive the standard to lie with the Principal Examiner) and of schools and colleges (who may perceive the examining hierarchy to be conflicted, or in error).

An alternative would be to constitute the decision-making body with individuals with no prior involvement in the setting or marking of the assessment in question. However, allowing such “non-experts” to judge the reasonableness or otherwise of the application of the marking standard, in relation to an individual centre, carries clear risk both to the wider application of the marking standard and to the integrity of awards.

It is clearly right to allow schools and colleges to appeal their results. Rather than making changes to the grounds on which appeals can be brought, we consider that this right of appeal is met through the proposed changes to the EAR services currently available as they transition to the new *review* arrangements that will take their place. In that context, of a review of marking rather than what is currently perceived to be a post results re-mark, it is not clear what role any further, additional appeals (beyond the review of marking) on the grounds of marking reliability would be intended to serve.

It is also important to note that Awarding Organisations all offer ad hoc arrangements whereby schools and colleges that are unhappy with the marks they have been awarded are supported through a variety of means including, amongst others, bespoke reports from the Principal Examiners, detailed correspondence, centre visits and statistical analyses, which effectively circumvents the need to appeal and has had the effect, over time, of reducing the number of appeals.

It is intended that Awarding Organisations will continue to listen to concerns raised by schools and colleges and, where appropriate, act to remedy them.

Schools and colleges will of course always reserve the right to complain directly to the Regulator in the event that they consider an Awarding Organisation to have failed to deliver valid and reliable results.

A specific point on moderation - the second bullet point mistakes the purpose of moderation, and therefore appeals on moderation, since it is not a review of a candidate's mark, but of the performance of a teacher overall – it is necessary to draw this important distinction between marking and reviews of marking and moderation and reviews of moderation.

AQA supplementary response

Whilst we fully accord with the JCQ position - that it is not clear what is intended by allowing appeals on the grounds of marking reliability (since this right of appeal will have been discharged through the reformed Review of Marking services) and that to do so raises very significant operational risks - we do consider there to be merit in exploring the possibility of an Ombudsman approach, which could be used to resolve only the most serious and complex of cases.

m) Allow an appeal against an exam board's response to a request for a special consideration or a reasonable adjustment.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

This requirement reflects current Awarding Organisation practices.

n) Only allow appeals following a review of moderation to be made by a centre.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

Since moderation operates at centre cohort level, we consider this to be the only viable basis on which requests for reviews of moderation can be made. Allowing candidate level appeals would create a bias towards those with greatest economic resource.

o) Where an error is discovered through an administrative error review, a review of marking/moderation or an appeal, identify any other candidates who are affected by the error, take steps to correct the error or reduce the effect of the error and ensure the error does not recur.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

We assume this to mean error (e.g. a system error) as distinct from unreasonable applications of the mark scheme. If so, this requirement reflects current Awarding Organisation practices.

p) Where it only accepts requests for reviews of marking for centre-based candidates from the centre itself, and not from candidates directly (other than external candidates), make sure that, in the event of a dispute between the centre and the candidate about the appropriateness of such a request, the centre allows the candidate to appeal the its decision.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

JCQ Awarding Organisations require, through published examination regulations that centres must have in place internal appeal procedures. We will review relevant JCQ documentation to ensure clarity of intent. It is considered unreasonable to expect Awarding Organisations to monitor the application of procedures at centre level since to do so would be disproportionately and prohibitively burdensome.

q) Train and monitor the performance of the reviewers who undertake reviews of the exam board's marking or moderation and take action where reviewers are not acting appropriately?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

We recognise the critical importance of the role training will play in ensuring reviewers are equipped to determine the reasonableness or otherwise of original markers' applications of mark schemes. We also recognise the importance of monitoring reviewers' decisions.

Developing, trialling and evaluating review training methodologies, and developing and implementing appropriate monitoring controls will, by necessity, limit what changes can be delivered in the summer 2016 post results period.

As noted in response to "D", above, Reviewers will need be trained to identify and distinguish between differences of opinion that are legitimate and those differences that are not, in terms of the mark that should be credited to a student's response. This distinction between marking error and legitimate differences of opinion will be a key theme of future Reviewer training.

As such, the training will leverage the knowledge gained, through standardisation, prime marking, marking review meetings and awarding etc., of how questions and mark schemes have performed in the live environment – this depth of understanding is not available at time of standardisation and so will allow for an improved training experience.

Reviewers will also be trained in Awarding Organisation processes, procedures and systems pertaining to the carrying out of post results reviews, including expectations of standards relating to centre feedback, annotations, and explanations of decisions with references to mark schemes etc.

The use of different training materials and formats will be trialled and evaluated as part of an on-going Research and Testing Programme.

Furthermore, recognising the strong behavioural element that must be considered in the development of Reviewer training (and possibly system development), we intend

to carry out a literature review to better inform our understanding in the area of examiner behaviour.

The development of the training described above will necessarily take time and will need to be tested and evaluated before delivery at scale.

In the interim, in 2016 we will review our instructions to Reviewers with an emphasis on “reviewing” and not re-marking and set out our expectations in relation to clear, good quality annotations on scripts.

On monitoring of Reviewer performance, due to there being insufficient time to make any changes to the systems underpinning examination delivery, no changes to any existing Reviewer monitoring arrangements will be possible for 2016.

Inflight monitoring of review outcomes presents substantial challenges - the result is often delivered to centres directly and immediately, so there is little possibility of re-reviewing the Reviewer's performance if a problem is identified. Post hoc monitoring to inform future recruitment is possible, however, and could be implemented following Summer 2016 post results.

r) Not allow reviewers to review their own marking or moderation decisions.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

It is entirely reasonable to require that reviewers do not review their own marking or moderation decisions and we would agree that this should generally be the case. However, there are a small number of circumstances in which this may be unavoidable, for example in the case of very small subject offerings. In such circumstances we would use discretion in making reasoned exceptions to this rule; current practices strongly suggest this is not abused by awarding organisations.

s) Require appeal decisions to include at least one person who is independent of the exam board.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We consider there to be benefit in exploring, with Ofqual, any standards or criteria that must be met for a panel member to meet the definition of "Independent". The definition provided in the Code presently is considered helpful. It is also assumed that this relates to what are currently termed Stage 2 appeals.

AQA supplementary response

All AQA appeal panels constitute one member that is independent, in so far as they are not and have never been employed by AQA or served on an AQA committee. We consider our practices in this area to go beyond those currently required of the Code.

t) Set reasonable deadlines for receipt of requests for access to marked assessment materials, administrative error reviews, reviews of marking, and reviews of moderation and appeals.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

It is our intention to continue to work together, at JCQ level, in the interests of schools and colleges, to set common timetables in this regard.

u) Publish its position on accepting requests for access to marked assessments, administrative error reviews, reviews of marking and appeals directly from candidates, including external candidates and from centres on behalf of candidates.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

Each Awarding Organisation can publish its position in this regard. However, we do not consider it appropriate to allow requests for such services from candidates, particularly in relation to reviews of marking and appeals since the disparities of resource, expertise and understanding are such that this would not constitute a fair and equitable conversation.

v) Publish clear information about its review arrangements including its dates for receipt of requests for access to marked assessment materials, administrative error reviews, reviews of marking, reviews of moderation and appeals.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

It is our intention to continue to work together, at JCQ level, in the interests of schools and colleges, to set common timetables in this regard. It is for each Awarding Organisation to determine how best to publicise such arrangements.

w) Publish (and take reasonable steps to meet) the target periods in which it intends to provide requested marked assessments and notify centres and/or learners of the outcome of administrative error reviews, reviews of marking/moderation and of appeals.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

This response relates to "W", "X" and "Y".

It is our intention to continue to work together, at JCQ level, in the interests of schools and colleges, to set common, minimum standards of service in relation to target periods for the delivery of post results services. Awarding Organisations will publish their individual performances against published service levels. However, we consider there to be value in Ofqual's continued, independent scrutiny of the published data.

x) Publish the frequency with which it achieves and misses its target periods.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See "W", above.

y) Publish information about the number of requests it receives for administrative error reviews, reviews of marking/moderation and appeals and the nature of its decisions and the reasons for those decisions.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See "W", above.

z) Publish information about how it trains and prepares reviewers, its monitoring arrangements, the findings of this monitoring and the actions taken as a result.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We question the rationale for publishing the outcomes of reviewer monitoring data. Such data lend themselves to misinterpretation and, at best, may serve to undermine public confidence in the examination system and, at worst, provide a disincentive to the deployment of robust monitoring controls.

Do you have any other comments on our proposals?

None

2. To what extent do you agree or disagree that we should allow exam boards' approaches to differ in the following areas?

In relation to the entirety of Section 2, it is the Awarding Organisations' intentions to continue to work together, through JCQ, to, wherever practicable, adopt common procedures and timescales. We consider this approach to be in the best interests of the schools and colleges that make use of our services.

a) The process for providing access to marked assessments to centres.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See above.

b) The fees charged, and any approach to the refund of fees for access to marked assessments, administrative error reviews, reviews of marking, reviews of moderation and appeals.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See above.

AQA supplementary response

As noted in AQA's response to Ofqual's RIA, our income strategy for post results services is aligned to the delivery of AQA's wider charitable purpose, as such, whilst it makes a contribution to overheads, it is not structured in order to be profit making – in 2013, in light of increased volumes and a recognition of the potential to over-recover costs, we took the decision to reduce EAR service fees.

For the priority service available at GCE, fees are in part determined through a demand management approach designed to manage flow, ensuring genuine priority applications can be turned around swiftly in the crucial university application window, unhindered by the bulk processing of lower priority / speculative requests.

Our pricing strategy for 2016 and beyond will continue to broadly reflect the above principles; however, the one off investment costs associated with the redevelopment of IT systems and operational procedures, and the increased units costs associated with the delivery of the proposed, reformed post results services, will likely necessitate an upward revision of current service charges.

c) The dates by which exam boards require centres to make requests for access to scripts, administrative error reviews, reviews of marking, reviews of moderation and appeals.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See above.

d) The dates by which exam boards will respond to requests for access to scripts, administrative error reviews, reviews of marking, reviews of moderation and appeals.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See above.

Do you have any other comments on these areas where we propose that exam boards' approaches should be allowed to differ?

See above.

3. Do you have any comments on the draft Conditions (in Appendix 2) on the review of marking, moderation or appeals that will be used to deliver these proposals?

- Yes No

Please give reasons for your answer.

Awarding Organisations interact with teachers and private candidates, very rarely with “learners”; to reflect this and to ensure clarity of understanding, we consider there to benefit in referring to “feedback to centres” as opposed to “feedback to learners” where relevant within the draft Conditions.

Further definition and exemplification of the intended meaning of “reasonable”, where it relates to the reasonable application of mark schemes, would be helpful.

The definition of Administrative Error falls short of the current scope of Service 1 enquiries, e.g. to ensure data has correctly flowed through examination systems.

4. To what extent do you agree or disagree that our proposals in relation to reviews of marking/moderation and appeals should apply to other qualifications beyond new and legacy GCSEs, AS and A levels?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

If you think we should extend the provisions, to which qualifications do you think they should apply and why?

We are of the view that the proposals could and indeed should apply wherever assessment models are consistent with those operated at GCSE, AS and A-Level.

Part B – Proposed rules for reviews of marking and appeals

There are no questions for part B.

Part C – Withdrawing the Code of Practice

5. To what extent do you agree or disagree that we should withdraw the Code of Practice?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We recognise the need for the code to be updated or replaced however, we consider there to be a gap between the provisions of the Code and those of the General Conditions of Recognition.

Industry standards, such as JCQ Regulations, go some way towards bridging the gap, particularly in important areas such as expectations of centres in delivering assessments. However, under the proposals of the consultation, there will remain a need for Awarding Organisations to themselves codify their service standards.

Whilst the code in its current form can inhibit Awarding Organisation innovation, we consider there to be an overriding requirement to adopt consistent practices, for example in areas such as post results services, since such consistency is overwhelmingly in the best interests of schools and colleges.

Furthermore, the code serves to ensure awarding organisations meet minimum standards and can be held accountable to those standards by schools and colleges. This consistency of practice, the codification of minimum standards and the associated accountability regime are not provided for by the General Conditions of Recognition.

We support Ofqual's proposal to fill the gaps in provision in relation to Awarding and to post results services through the introduction of specific, new Conditions.

6. Are there any requirements in the Code that we should retain, other than those for reviews of marking, reviews of moderation, appeals and setting specified levels of attainment?

Yes No

Please give reasons for your answer.

If yes, please tell us what other requirements from the Code should be retained and why.

In relation to awarding, it would be helpful to explicitly reference the use of judgement as evidence, alongside statistical and technical data.

In relation to the examiner hierarchy, retaining definitions of the roles and responsibilities may be helpful for schools and colleges and their students, bearing in mind that the role of the Principal Examiner may now be split into, for example, Lead Examiner and Lead Assessment Writer.

The Glossary should be updated and retained.

7. To what extent do you agree or disagree that when we withdraw the Code, we should allow exam boards to decide which errors they correct, having regard to guidance, and that no candidates should automatically have a wrong result protected?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

There may be circumstances in which we would wish to protect candidates' grades. As a general principle we consider that candidates who have not sought a review of their marking should not have their results placed in jeopardy, after results have been issued, as a result of decisions made by others without their knowledge or consent. It is also critical to ensure consistency of practice across Awarding Organisations.

Part D – Setting grade boundaries

8. To what extent do you agree or disagree with the evidence that we propose should be considered by exam boards when setting specified levels of attainment for new and legacy GCSEs, AS and A levels?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We would welcome further definition of the intended meaning of “specified levels of attainment”, particularly if this differs in any way to what is generally referred to as “Awarding”. It would also be helpful to understand if the proposed sources of evidence are mandatory and exhaustive, or if they are defined for guidance purposes only. Greater clarity of intended definitions would also be helpful, for example, in relation specifically to point “b” on page 48 of the consultation document, it is not clear if the definition provided refers to judgemental evidence only.

Furthermore, it is important to note that it is no longer common practice for Awarding Organisations to collect estimated grades from schools and colleges.

In relation to record keeping, we would challenge the requirement for Awarding Organisations to create reports on awards when (as in the majority of awards) standard procedures have been followed (as set out in the provisions of Ofqual's Data Exchange Procedures document). Senior examiner reports on performance are often unreliable, particularly for e-marked components when the senior examiners have seen very few complete scripts before the award.

Is there any other evidence that should be considered?

- Yes No

Please give reasons for your answer.

It would be helpful to include common centres' data in the list of sources of evidence.

9. Do you have any comments on our proposed Conditions for setting specified levels of attainment?

Yes No

Please give reasons for your answer.

In addition to the points made above, in relation to “8”, the consultation makes reference to the requirement for Awarding Organisations to maintain an archival record of the evidence used to support awarding decisions and the rationale for any decisions made. It is not specified for how long it would be expected that this evidence should be retained, we would intend to continue to follow the related JCQ archiving policy. Furthermore, this guidance may conflict with Ofqual’s Data Exchange Procedures document, which prescribes current, related practices.

10. To what extent do you agree or disagree that our proposals in relation to setting specified levels of attainment should apply to other qualifications beyond new and legacy GCSEs, AS and A levels?

- Strongly agree
 Agree¹
 Disagree
 Strongly disagree
 Don’t know / No opinion

Please give reasons for your answer.

We consider there to be merit in the expansion of the remit of the proposed conditions to include other qualifications with similar attributes to GCSEs, AS and A-Levels (i.e. with marks, and grade boundaries which aren’t at fixed points). However, it may become necessary for the Conditions to apply only to some units within a qualification. Furthermore, the sources of evidence defined in the consultation document will not apply in all circumstances to all related qualifications and, therefore, a degree of flexibility will be required here also.

If you think we should extend these provisions, to which qualifications do you think they should apply and why?

Any qualifications with assessment models equivalent to those of GCSEs, AS and A-Levels.

¹ Please refer to individual Awarding Organisation responses, for divergence from JCQ position

Part E – Implementation

11. We propose to withdraw the Code of Practice before GCSEs, AS and A levels are awarded in summer 2016. To what extent do you agree or disagree with this proposed date?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

If you disagree, please tell us when we should withdraw the Code.

From an Awarding perspective, there is no reason why the Code could not be withdrawn in 2016. However, as has been previously stipulated, both in the joint response to the Regulatory Impact Assessment and in the joint EAR Reform proposals, as well as in a number of meetings with Ofqual officers, the withdrawal of the Code of Practice and the implementation of the new, draft Conditions in 2016 provides insufficient time for Awarding Organisations to make the necessary changes, for example to their recruitment and training practices and to their examination systems.

That is not to say that the Code could not be withdrawn in 2016, provided that agreement could be reached, between the Awarding Organisations and Ofqual, over the timeframe for the phased introduction of the intended post 2016 reforms.

12. We propose to put in place our new Conditions to implement the changes to the enquiries about results system in summer 2016, but after centre-based

marking for 2015/16 has concluded. To what extent do you agree or disagree with this proposed date?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

See response to "11", above.

If you disagree, please tell us when we should implement our requirements for the new enquiries about results system.

See response to "11", above.

13. We propose to put in place our new Conditions for setting specified levels of attainment before GCSEs, AS and A levels are awarded in summer 2016. To what extent do you agree or disagree with this proposed date?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

Since current practices are compliant with the proposed conditions, with respect to Awarding implementation for summer 2016 represents a reasonable timeframe. However, as is stated in response to "11", above, the same cannot be said for the wider proposals within the consultation document.

If you disagree, please tell us when we should implement our requirements for setting specified levels of attainment.

N/A

14. We propose to extend our proposals to Principal Learning and Project qualifications. To what extent do you agree or disagree with this proposal?

- Strongly agree
- Agree²
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

Please refer to response to "10", above.

Are there any other qualifications that should be covered by our proposals?

Any qualifications with assessment models equivalent to those of GCSEs, AS and A-Levels, or with one or more units with such a model.

15. We have identified one potential impact on people with protected characteristics, as our new Conditions will expressly allow exam boards to charge for appeals against decisions in relation to reasonable adjustments and special consideration. As they will not be required to do so however, we believe the impact of this is likely to be limited. We have not identified any other impacts on people because of their protected characteristics. To what extent do you agree or disagree with our conclusions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know / No opinion

Please give reasons for your answer.

We support the conclusion reached in the consultation.

Are there any other impacts that we have not identified?

² Please refer to individual Awarding Organisation responses, for divergence from JCQ position

Yes No

Please give reasons for your answer.

N/A

16. We have set out separately our assessment of the regulatory impact of these proposals. To what extent do you agree or disagree with our conclusions?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / No opinion

Please give reasons for your answer.

We agree with the broad conclusions in the Regulatory Impact Assessment; however, for all of the reasons stated above, we do not agree with the timescales proposed for, or aspects of the detail of, the proposed changes.

How to respond

The closing date for responses is **11 March 2106**

- You can respond online at <https://www.surveygizmo.com/s3/2483922/marking-reviews-appeals-grade-boundaries-and-the-code-of-practice>
- Email your response to consultations@ofqual.gov.uk. Please include the consultation title 'Marking reviews, appeals, grade boundaries and Code of Practice' in the subject line of the email and make clear who you are and in what capacity you are responding.
- Post this completed response document, making clear who you are and in what capacity you are responding, to:
Consultation on Marking reviews, appeals, grade boundaries and Code of Practice,
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