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Pearson Consultation response

Ofqual consultation

Marking reviews, appeals, grade boundaries and Code of Practice

11 March 2016

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

Question 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.

Agree

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. 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.



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

Strongly agree

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

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.

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.

Agree

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



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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.



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

Agree

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 Organisation 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.

Disagree

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.



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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.

Disagree

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

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

Please give reasons for your answer.

No comment.

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

Agree

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



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commentary is not current system functionality, neither is it a requirement contractually placed upon reviewers at the current time (and some Awarding Organisation 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

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.

l) 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**

Agree

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.



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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.



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

Strongly agree

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

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

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.

Agree

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.



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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

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.



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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 Review'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.

Disagree

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.

Agree

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.

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

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.



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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

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

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

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.



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

Strongly agree

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

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.

Disagree

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



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Question 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.

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.

See above.

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.

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.

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.



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Question 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

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.

Question 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?

Agree

Please give reasons for your answer.

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

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

Disagree

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.

Question 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

Please give reasons for your answer.

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



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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.

Question 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?

Disagree

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.



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Part D – Setting grade boundaries

Question 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?

Agree

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

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

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.

Question 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?

Agree

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.

Part E – Implementation

Question 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 disagree

Please give reasons for your answer.

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.

Question 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?

Disagree

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.



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Question 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?

Agree

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

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

Agree

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.

Question 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?

Agree

Please give reasons for your answer:

We support the conclusion reached in the consultation.



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Are there any other impacts that we have not identified?

No

Please give reasons for your answer:

Question 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?

Agree

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.