

## A Levels, AS Levels and GCSEs 2019: Requesting reviews of marking and making appeals

### Guidance at a glance

This guidance is relevant to all school and college leaders and staff with responsibility for considering and requesting reviews of marking, and any subsequent appeals for A level, AS level and GCSE results.

Ofqual's guidance can be read in full [here](#).

Schools and colleges can ask exam boards to review whether there were any errors:

- in exam boards' marking of any exam or non-exam assessment
- in their moderation of a teacher-marked assessment

**When deciding whether to ask for a review of marking**, schools and colleges can request marked A and AS level and GCSE scripts. Note that fees will be charged although may be refunded, and exam boards set a deadline for the receipt of requests for returned scripts. Permission must be obtained from the student.

This guidance provides information on:

**Section 1:** Requesting reviews of marking including exam board-marked assessments, reviews of exam board moderation and requesting reasons for the outcome of a review

**Section 2:** Appeals including criteria for appeals, key tips when lodging an appeal to an exam board and appealing to Ofqual

**Section 3:** Further information

# 1 Requesting reviews of marking

## Assessments marked by exam boards

Each exam board must, on request, review whether there were any errors in the original marking of an assessment, or in the moderation of a teacher-marked assessment. They must also now allow appeals of decisions made in these reviews.

A trained reviewer will:

- 1 consider the original marking
- 2 decide whether there were any administrative errors in the marking. An administrative error typically occurs when a marker misses a question or does not properly total the marks for all questions. If any such errors are found, however large or small, they must be corrected and the grade adjusted if necessary
- 3 check each task or question for which there was only one possible correct answer (and therefore mark), and whether the right mark was given for the student's answer. If the marker made an error when marking any such questions, the reviewer must remark the question (again, however large or small the error). The new mark replaces the original one.
- 4 where a range of responses can earn credit, decide whether the original mark was given by a marker who properly applied the mark scheme to the answer and exercised his or her academic judgement in a reasonable way. An error is likely to have been made if the reviewer concludes:
  - that the original mark was unduly lenient or harsh, given the correct application of the mark scheme
  - a marker who had the appropriate subject knowledge and who had been trained to use the mark scheme would have been acting unreasonably in giving the mark
  - there was no rational basis for the mark
- 5 re-mark the questions where the errors were made, however large or small the effect of the error

If the reviewer finds a marking error, the reviewer's mark will replace the original mark and the exam board must change the grade if necessary. Any new mark and grade awarded after the review could be higher or lower than that originally given. If the reviewer does not find a marking error the original mark must not be changed.

The exam board will tell the school, college or individual student the outcome of the review.

If the review raises questions about the accuracy of other students' results, the exam board may choose to extend the review papers by other students. If it finds errors in the marking of these papers, they may replace the original mark and grade if necessary. Any new mark and grade awarded after the review could be higher or lower than that originally given.

## Reviews of exam board moderation

When requesting a review of an exam board's moderation, the request must be made on behalf of the whole school or college's cohort for that component. Each exam board publishes their own deadlines and fees for such requests.

An academic judgement is what is involved when marking and grading assessments. It is possible for different examiners to reasonably reach different judgements. Unreasonableness in academic judgement occurs where the mark given is one that no reasonable examiner could properly have awarded.

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The reviewer considers whether the moderator made any errors. An error is likely to have been made if the reviewer concludes that:

- the moderator was unduly lenient or harsh
- a moderator who had the appropriate subject knowledge and who had been trained to moderate the assessment would have been acting unreasonably in giving the moderation outcome
- there was no rational basis for the moderation outcome

If the reviewer does not find a moderation error the outcome must not be changed.

If the reviewer finds there was an error, the exam board must correct the error and, where necessary, adjust the relevant student's marks and grades.

Currently, if a review of moderation finds that a student had been given a grade that was too high, the grade will not be reduced. There is no equivalent protection of a grade that is too high when a similar error is found in other circumstances and Ofqual are currently reviewing whether this protection should be removed.

Given the timescales for this review, automatic protection will remain in place following reviews of moderation for both the 2019 summer exam series.

#### **Requesting reasons for the outcome of a review**

The exam board must provide the reasons for the outcome of the review on request. Currently, exam boards may not provide reasons at the same time as they communicate the outcome, however, from 2020 exam boards will be required to provide reasons automatically (rather than waiting for a school or college to request them). Some exam boards may provide reasons automatically, and sooner.

An appeal can be made before the exam board provides reasons, and the deadline for appeals will be at least two weeks after schools and colleges receive reasons.

Exam boards will have their own ways of providing the reasons for review outcomes.

#### **Requests for a review of teacher-marked (internal) assessment**

Candidates must now be informed of their centre-assessed marks so they may request a review of the centre's marking before submission to the awarding body. Each exam board will make specific arrangements for students to request reviews of internal assessments. JCQ has published information about the processes schools and colleges need to put in place as well as a suggested template policy

JCQ have also published a set of FAQs regarding this process, available [here](#).

## **2 Appeals**

### **Criteria for appeals**

If a school or college remains concerned about an outcome following a review, it can appeal to the exam board. Appeals can be made on the basis that:

- 1 an exam board did not apply its procedures consistently, or that procedures were not followed properly and fairly
- 2 there was an error in the original marking or moderation in AS and A levels as well as project qualifications and GCSE English language, English literature and maths or in the review of that marking or moderation.

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This would relate to:

- an uncorrected administrative error (such as adding up marks incorrectly)
- the mark scheme not properly applied
- the mark not being given by a trained marker, who had appropriate subject knowledge, and who had exercised their academic judgement in a reasonable way

From 2019, schools and colleges can appeal against a mark in all other GCSEs.

Appeals can also be made in respect of:

- decisions regarding requests for reasonable adjustments and special consideration
- decisions regarding actions taken following an investigation into malpractice or maladministration

The setting of a grade boundary cannot be the subject of an appeal. Once an appeal is lodged, exam boards will decide whether or not to accept the application for the appeal. This decision is based on:

- the grounds for the appeal put forward by the school or college or private candidate
- whether an enquiry about results has been completed
- the timescale of the application

Exam boards must ensure no one on the appeal panel was involved in the original marking or moderation or the review. An appeals investigation may take the form of a fresh examination of all available evidence and may involve research officers, subject-related assessment staff, and senior examining personnel. The final decision must involve at least one decision maker who is not connected to the exam board.

An exam board may choose to offer the school or college the opportunity to attempt to resolve the disagreement without the need for a full and formal appeal hearing.

### Key tips for lodging an appeal to an exam board

- Keep copies of all correspondence from an exam board with dates received.
- Make notes of all telephone calls made to and received from the exam board, with names of personnel with whom you have communicated.
- In constructing an appeal letter, present a timeline of communication highlighting concerns and noting responses received: keep this as succinct and factual as possible.
- Request an indication of timescales for further communication from the exam board, advising that you need to keep candidates and parents informed of the ongoing process.
- Be clear about the reason for grounds for your complaint in your opening statement, for example,

*“We lodge this complaint on the grounds that the penalisation of students is unjust and against the aims of the board and also that the interpretation of the board’s own guidance used to justify this adjustment is in itself incorrect. In addition, the conduct of the board throughout the process has been unacceptable and below the standards expected for good customer service.”*

- In the summary, reiterate your concerns and express clearly your desired outcome, for example,

*“In summary, it is our view that our students have been unfairly penalised by an interpretation of the board’s own rubric... and we would therefore request that this decision is overturned. In addition, we would request an explanation for the very poor customer service received to date.”*

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- Ensure you number subsequent letters (for example, Complaint 1, Complaint 2), in the event of lengthy correspondence.

### Appealing to Ofqual

Schools and colleges who are unhappy with the result of an exam board appeal can ask Ofqual to review the case through the EPRS (the exam procedure review service). Ofqual will look at whether the exam board has followed Ofqual's rules and its own procedures, and if not, whether the result is inappropriate.

Ofqual can only consider applications from headteachers, college principals or private candidates. Applications can only be made if schools and colleges have completed an exam board's appeal process. You need to apply and upload evidence within 21 days of receiving your draft report from the exam board – [apply here](#).

Schools and colleges must provide evidence to show how the exam board's processes were not correctly followed. Schools and colleges can use exam papers and scripts to support their case as long as it shows a clear issue and does not need a judgement about the quality of work.

### Ofqual hearings

Ofqual responds to appeals in ten working days. If Ofqual decides to hold a hearing, you will be informed of the appeal hearing date and how to prepare for it. If Ofqual do not think there should be a hearing, they will inform you as to why, and allow you to you respond before making a final decision.

A hearing will take place within two months; schools and colleges and the exam board each have the opportunity present their case.

Ofqual will examine whether the exam board has followed the right procedures and whether it has used them properly and fairly.

Ofqual will consider:

- the setting of papers
- marking and moderation
- the grade award
- enquiries about results and appeals
- special consideration
- access arrangements
- administrative arrangements

Ofqual will not:

- make judgments about candidate work in the exam; that is the responsibility of the senior examiner of the exam board
- re-mark candidate work
- change grades issued by the exam board

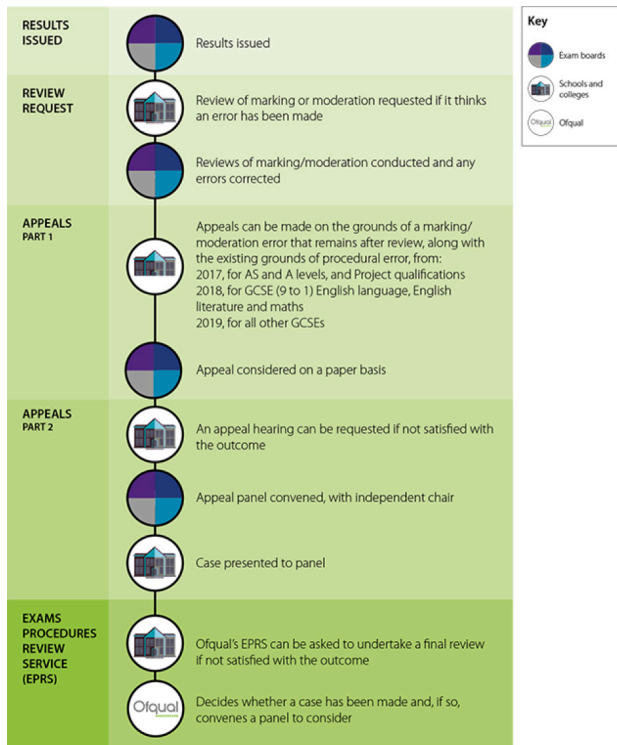
If Ofqual considers your case to be strong, they may ask the exam board to reconsider the case or make other recommendations.

## Timeline for reviews and appeals

Each exam board must set and publish its own timelines, including the deadlines by which requests for a review or an appeal must be received.

There are no specific set dates for the completion of reviews and appeals, but there are minimum timescales that exam boards must meet. Boards prioritise A levels because of the need for clarity on university places.

Ofqual has produced this flowchart outlining the review and appeal process:



## Fees

Exam boards can charge a fee for reviewing a mark and for considering an appeal. They are required to publish their fees, and be clear about any circumstances when a fee will not be charged.

## 3 Further information

Apply for an EPRS review <https://www.smartsurvey.co.uk/s/CS6L7/>

Ofqual Public [enquiries@ofqual.gov.uk](mailto:enquiries@ofqual.gov.uk)

UCAS Exam results helpline **0808 100 900**

DfE Exam results helpline **0808 100 8000**

DfE blog on new GCSE grades in England (from 2017) [newgcse.campaign.gov.uk](http://newgcse.campaign.gov.uk)

ASCL **member hotline** | **0116 299 1122** | [hotline@ascl.org.uk](mailto:hotline@ascl.org.uk)

JCQ Non-examination assessments <https://www.jcq.org.uk/exams-office/non-examination-assessments>

ASCL Deputy Director of Policy Duncan Baldwin