

Requirements on setting GCSE, AS and A level grade boundaries

Consultation on Conditions and guidance



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1. About this consultation

- 1.1 We are seeking views on our proposed requirements for setting GCSE, AS and A level grade boundaries. This follows on from our *Consultation on: Improving Reviews and Appeals of GCSE, AS and A level Marking; Withdrawing the GCSE, GCE, Principal Learning and Project Code of Practice; and New Requirements on Setting GCSE, AS and A level Grade Boundaries* in December 2015¹. We announced our decisions² and published the analysis³ of this consultation on 26 May 2016.
- 1.2 This consultation is about the Conditions and guidance we propose to put in place to implement the changes. It includes our requirements and guidance for setting specified levels of attainment for:
- GCSE (A* to G) qualifications;
 - legacy GCE AS and A level qualifications⁴;
 - reformed GCE AS and A level qualifications⁵.
- 1.3 We are putting the new requirements in place because we are withdrawing the Code of Practice which contains the current rules for the GCSE (A* to G) qualifications and legacy AS and A levels. The new requirements reflect those in the Code. We are applying the same provisions to reformed AS and A levels⁶.
- 1.4 We have decided to implement these requirements as consulted on – this consultation is simply to confirm the specific wording for the Conditions and guidance that we will use to do this.
- 1.5 We are consulting separately on our proposals in respect of setting grade standards in new GCSE (9 to 1) qualifications⁷.

¹ <https://www.gov.uk/government/consultations/marking-reviews-appeals-grade-boundaries-and-code-of-practice>

² <https://www.gov.uk/government/consultations/marking-reviews-appeals-grade-boundaries-and-code-of-practice>

³ <https://www.gov.uk/government/consultations/marking-reviews-appeals-grade-boundaries-and-code-of-practice>

⁴ Those that were available for first teaching before September 2015

⁵ Not available for first teaching before September 2015

⁶ Including revised requirements for setting the A*/A grade boundary for reformed A level qualifications.

⁷ <https://www.gov.uk/government/consultations/setting-the-grade-standards-of-new-gcses-in-england-2017-2018>

- 1.6 We are consulting separately⁸ on those aspects of our proposals which relate to reviews of marking, reviews of moderation and appeals.
- 1.7 You can respond to this consultation via any of the methods listed on our website at <https://www.gov.uk/government/consultations/requirements-on-setting-gcse-as-and-a-level-grade-boundaries> - please respond by **8 June 2016**

⁸ <https://www.gov.uk/government/consultations/changes-to-regulations-for-enquiries-and-appeals>

2. Consultation summary

- 2.1 Following analysis of responses to our consultation in December, we propose to implement the proposals in relation to setting specified levels of attainment on which we consulted.
- 2.2 We will therefore reflect some, but not all, of the current requirements in new rules and guidance when we withdraw the Code of Practice. In addition, we will introduce high-level requirements about the sort of evidence exam boards should take into account when setting grade boundaries.
- 2.3 We are introducing a qualification level Condition which requires exam boards to comply with any requirements that we set in relation to setting specified levels of attainment.
- 2.4 We are introducing a qualification level Condition requiring exam boards to have regard to an appropriate range of evidence when setting specified levels of attainment. We will support this with guidance providing examples of such evidence.
- 2.5 We are putting in place qualification-specific requirements about the way in which grade boundaries should be set. These will largely replicate what is in the appendices to the Code of Practice.
- 2.6 These are the proposals on which we previously consulted. We are not introducing any additional requirements beyond those on which we have already consulted.

3. Setting specified levels of attainment

3.1 We propose to put in place new Conditions, requirements and guidance to implement our proposals. We explain below each area where we will introduce rules or guidance.

3.2 We are putting in place rules for:

- GCSE (A* to G) qualifications;
- legacy GCE AS and A level qualifications;
- reformed GCE AS and A level qualifications.

We will do this through qualification level Conditions. We will supplement this with qualification level guidance.

3.3 Where the relevant qualification level Conditions and guidance exist, we will incorporate the new requirements into those documents. Where they do not, we will create new regulatory documents. We will introduce:

- qualification level guidance for legacy GCE qualifications; and
- qualification level conditions and guidance for legacy GCSE qualifications.

3.4 We will introduce new Conditions and guidance to our existing:

- GCE Qualification Level Conditions and Requirements (for reformed GCE qualifications); and
- GCE qualification level guidance (for legacy GCE qualifications).

3.5 We will consult separately on our requirements for GCSE (9 to 1) qualifications following the closure of our consultation on *Setting the grade standards of new GCSEs in England – part 2*⁹.

Compliance with Ofqual’s requirements in setting specified levels of attainment

3.6 We are introducing a Condition to make sure that exam boards comply with any requirements we set in relation to setting specified levels of attainment. The

⁹ <https://www.gov.uk/government/consultations/setting-the-grade-standards-of-new-gcses-in-england-2017-2018>

Condition will also require exam boards to have regard to any guidance we publish in relation to setting specified levels of attainment.

Evidence used in setting specified levels of attainment

3.7 We are introducing a Condition to require exam boards to base decisions on setting specified levels of attainment on an appropriate range of qualitative and quantitative evidence.

3.8 Our Condition will require that exam boards have regard to information about:

- the level of difficulty of assessments for a qualification compared to any previous assessments. Evidence might include senior examiner reports on how candidates have performed in the paper, as well as quantitative information such as mark distributions, the mean mark, the spread of marks and item-level statistics;
- how candidates have performed on the assessments. Evidence might include samples of work from candidates taking the qualification;
- the cohort of candidates taking the assessment. Evidence might include prior attainment data (for example, candidates' attainment at Key Stage 2 is currently used for setting grade boundaries in GCSEs);
- how previous candidates performed in previous assessments. Evidence might include archived candidate work from previous exams, or data about whether exam boards' standards were aligned in previous assessments.

3.9 We are putting in place guidance to help exam boards understand the type of evidence that is appropriate for meeting this Condition.

Technical requirements for setting specified levels of attainment for GCSEs, AS and A levels

3.10 The technical requirements set out in detail the way in which exam boards set grade boundaries. The requirements we proposed, and which we intend to adopt, reflect the established requirements that are in the Code of Practice and which have been used by exam boards for a number of years.

3.11 These requirements set out the order in which grade boundaries should be set and the method for determining grade boundaries.

3.12 For legacy GCSE, AS and A level qualifications, we are transferring these technical requirements largely as they currently exist in the Code of Practice. For reformed AS and A level qualifications, we are putting in place requirements based on those in the Code of Practice.

- 3.13 We include our proposed technical requirements for these qualifications in this consultation.
- 3.14 For new GCSE (9 to 1) qualifications, we are currently consulting on our approach for setting standards in these qualifications¹⁰. We will consider, following that consultation, what arrangements we need to put in place for those qualifications.

¹⁰ <https://www.gov.uk/government/consultations/setting-the-grade-standards-of-new-gcses-in-england-2017-2018>

4. Our proposed Conditions, requirements and guidance for setting specified levels of attainment for legacy GCSE (A* to G) qualifications

4.1 As set out above, we are proposing to introduce qualification-specific Conditions, requirements and guidance to implement the proposals in our previous consultation. We set out our proposed Conditions, requirements and guidance below.

Proposed Conditions and requirements for setting specified levels of attainment in legacy GCSE (A* to G) qualifications

4.2 We are proposing to introduce the following Conditions and requirements which will apply to all GCSE (A* to G) qualifications:

- Standard setting
- Interpretation
- Standard setting requirements for GCSE (A* to G) qualifications

Condition GCSE(A* to G)1	Standard setting
GCSE (A* to G)1.1	<p>In respect of each GCSE qualification which it makes available, an awarding organisation must comply with any requirements, and have regard to any guidance, which may be published by Ofqual and revised from time to time in relation to –</p> <p>(a) the promotion of consistency between the measurement of Learners' levels of attainment in that qualification and similar qualifications made available by other awarding organisations, and</p> <p>(b) the setting of specified levels of attainment.</p>
GCSE (A* to G)1.2	<p>In setting the specified levels of attainment for a GCSE qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.</p>
GCSE (A* to G)1.3	<p>In respect of each GCSE qualification which it makes available, the range of evidence to which an awarding organisation has regard for the purposes of Condition</p>

	<p>GCSE (A* to G)1.2 will only be appropriate if it includes evidence of –</p> <ul style="list-style-type: none"> (a) the Level of Demand of the assessments for that qualification, (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification, (c) the level of attainment demonstrated by Learners taking that qualification in a – <ul style="list-style-type: none"> (i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or (ii) prior qualification, whether or not that qualification was a regulated qualification, and (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.
GCSE (A* to G)1.4	<p>An awarding organisation must maintain a record of –</p> <ul style="list-style-type: none"> (a) the evidence to which it has had regard in setting the specified levels of attainment for each GCSE qualification which it makes available, and (b) its rationale for the selection of and weight given to that evidence.
Condition GCSE(A* to G)2	Interpretation
GCSE (A* to G)2.1	The rules of interpretation and definitions outlined in General Condition J1 shall apply to the GCSE (A* to G) Qualification Level Conditions.
GCSE (A* to G)2.2	Except in the circumstances described in Condition GCSE(A* to G)2.3, the requirements imposed by the GCSE (A* to G) Qualification Level Conditions apply in addition to the requirements imposed by the General Conditions of Recognition.
GCSE(A* to G)2.3	To the extent that there is any inconsistency between a requirement of a GCSE (A* to G) Qualification Level

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

Standard setting requirements for GCSE (A* to G) qualifications

Condition GCSE (A* to G)1.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCSE qualifications graded A to G.

The requirements for setting specified levels of attainment in respect of assessments of speaking and listening for GCSE (A* to G) qualifications in English and English Language are found in the *Criteria for GCSE Qualifications (graded A* to G)*¹¹.

In respect of all other assessments for GCSE (A* to G) qualifications, we set out below our requirements for the purposes of Condition (A* to G)1.1(b).

For ease of reference, the specified levels of attainment used in such qualifications are referred to below as 'grades'.

Requirements for setting specified levels of attainment for GCSE (A* to G) qualifications that do not use uniform marks

1. For GCSE and GCSE (short course), non-tiered Components, the three key grade boundaries are:
 - (a) C/D
 - (b) A/B
 - (c) F/G.

An awarding organisation must set the grade boundaries in the sequence given above.

¹¹ <https://www.gov.uk/government/publications/criteria-for-gcse-qualifications-graded-a-to-g>

2. For GCSE and GCSE (short course), tiered Components, the four key grade boundaries are:
- (a) C/D foundation tier
 - (b) C/D higher tier
 - (c) A/B higher tier
 - (d) F/G foundation tier.

An awarding organisation must set the grade boundaries in the sequence given above.

3. For GCSE and GCSE (short course), non-tiered and tiered examinations, the three key qualification grade boundaries are:
- (a) C/D
 - (b) A/B
 - (c) F/G.

An awarding organisation must set the grade boundaries in the sequence given above.

4. An awarding organisation must set grade boundaries for the qualification as a whole using the following method:
- (a) The boundary mark for each Component is scaled as necessary to reflect the mark allocation for that Component as detailed in the specification.
 - (b) The resulting scaled Component boundary marks are added and the result is rounded to the nearest whole number (with fractions of 0.5 and above being rounded up).
5. An awarding organisation must determine the other qualification grade boundaries arithmetically as follows:
- (a) The B/C boundary is obtained by dividing the mark interval between the A/B and C/D boundaries by two. Where there is a remainder of one, the extra mark is added to the grade B interval.
 - (b) The D/E and E/F boundaries are set by dividing the mark interval between the C/D and F/G boundaries by three. Where there is a

remainder of one, the extra mark is added to the grade D interval. Where there is a remainder of two, one extra mark is added to each of the grade D and grade E intervals.

- (c) In a tiered examination, if the mark range below C/D is equal to, or greater than, twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set as far below the grade C/D boundary as the grade B/C boundary is above the grade C/D boundary. If the mark range below C/D is less than twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set halfway between the C/D boundary and zero. Where this gap does not divide evenly, the D/E boundary will be rounded down to the lower mark (for example, 35.5 would become 35). Where a review of technical and statistical evidence leads the awarding organisation to judge that the D/E boundary should be set at a different mark, consideration will be given to moving the grade D/E boundary, and the reasons for this must be recorded.
 - (d) In a tiered examination, the E/U boundary on the higher tier is provisionally set by subtracting half the mark interval between the C/D and D/E boundaries (rounding up half marks) from the D/E boundary. When a review of technical and statistical evidence leads the awarding organisation to judge that the E/U boundary should be set at a different mark, consideration will be given to moving the grade E/U boundary, and the reasons for this must be recorded.
 - (e) The G/U boundary is the same number of marks below the F/G boundary as the E/F boundary is above the F/G boundary.
6. An awarding organisation must provisionally set the A*/A grade boundary as follows:
- (a) If the mark interval between the A/B boundary and the maximum mark is more than twice the mark interval between the A/B and B/C boundaries, the A*/A boundary is set the same number of marks above the A/B boundary as the B/C boundary is below the A/B boundary.
 - (b) If the mark interval between the A/B boundary and the maximum mark is less than or equal to twice the mark interval between the A/B and B/C boundaries, the A*/A boundary is set halfway between the A/B boundary and the maximum mark, rounded down where necessary to the nearest whole number below (for example, 78.5 is rounded to 78).
7. Where a review of technical and statistical evidence leads the awarding organisation to judge that the A*/A boundary should be set at a different mark,

consideration will be given to moving the grade A*/A boundary, and the reasons for this must be recorded.

Requirements for setting specified levels of attainment for GCSE (A* to G) qualifications that use uniform marks

Use of aggregate marks

8. Aggregate marks must be calculated on the basis of a uniform mark scale:
 - (a) Uniform marks for each unit¹² must be calculated in such a way as to maintain the Learners' relative position between the raw grade boundaries.
 - (b) Each unit must be reported in uniform marks.
 - (c) Uniform marks for individual assessment units must be added to generate a final total mark for the qualification as a whole. A grade is then generated.
 - (d) Where a Learner has taken more than the required number of units, the awarding organisation must generate the best grade for the Learner.

Non-tiered units/Components

9. For GCSE and GCSE (short course), non-tiered units/Components, the three key grade boundaries are:
 - (a) C/D
 - (b) A/B
 - (c) F/G.

An awarding organisation must set the grade boundaries in the sequence given above for each unit/Component.

10. An awarding organisation must set the other unit/Component grade boundaries arithmetically as follows:

¹² For the purposes of these requirements a 'unit' is the smallest part of a qualification that is formally reported and can be separately certificated. A unit may comprise separately assessed Components.

- (a) The B/C boundary is obtained by dividing the mark interval between the A/B and C/D boundaries by two. Where there is a remainder of one, the extra mark is added to the grade B interval.
 - (b) The D/E and E/F boundaries are obtained by dividing the mark interval between the C/D and F/G boundaries by three. Where there is a remainder of one, the extra mark is added to the grade D interval. Where there is a remainder of two, one extra mark is added to each of the grade D and grade E intervals.
 - (c) The G/U boundary is the same number of marks below the F/G boundary as the E/F boundary is above the F/G boundary.
11. An awarding organisation must provisionally set the A*/A grade boundary as follows:
- (a) If the mark interval between the A/B boundary and the maximum mark is more than twice the mark interval between the A/B and B/C boundaries, the A*/A boundary is set the same number of marks above the A/B boundary as the B/C boundary is below the A/B boundary.
 - (b) If the mark interval between the A/B boundary and the maximum mark is less than or equal to twice the mark interval between the A/B and B/C boundaries, the A*/A boundary is set halfway between the A/B boundary and the maximum mark, rounded down where necessary to the nearest whole number below (for example, 78.5 is rounded to 78).
12. Where a review of technical and statistical evidence leads the awarding organisation to judge that the A*/A boundary should be set at a different mark, consideration will be given to moving the grade A*/A boundary, and the reasons for this must be recorded.

Tiered units/Components

13. For GCSE and GCSE (short course), tiered units/Components, the four key grade boundaries are:
- (a) C/D foundation tier
 - (b) C/D higher tier
 - (c) A/B higher tier
 - (d) F/G foundation tier.

An awarding organisation must set the grade boundaries in the sequence given above for each unit/Component.

14. An awarding organisation must determine the other unit/Component grade boundaries arithmetically as follows:

(a) For the higher tier:

- (i) The B/C boundary is obtained by dividing the mark interval between the A/B and C/D boundaries by two. Where there is a remainder of one, the extra mark is added to the grade B interval.
- (ii) If the mark range below C/D is equal to, or greater than, twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set as far below the grade C/D boundary as the grade B/C boundary is above the grade C/D boundary. If the mark range below C/D is less than twice the B/C to C/D mark range, the grade D/E boundary on the higher tier is provisionally set halfway between the C/D boundary and zero. Where this gap does not divide evenly, the D/E boundary will be rounded down to the lower mark (for example, 15.5 would become 15). Where a review of technical and statistical evidence leads the awarding organisation to judge that the D/E boundary should be set at a different mark, consideration will be given to moving the grade D/E boundary, and the reasons for this must be recorded.
- (iii) The E/U boundary is provisionally set by subtracting half the mark interval between the C/D and D/E boundaries (rounding up half marks) from the D/E boundary. When a review of technical and statistical evidence leads the awarding organisation to judge that the E/U boundary should be set at a different mark, consideration will be given to moving the grade E/U boundary, and the reasons for this must be recorded.

(b) For the foundation tier:

- (i) The D/E and E/F boundaries are obtained by dividing the mark interval between the C/D and F/G boundaries by three. Where there is a remainder of one, the extra mark is added to the grade D interval. Where there is remainder of two, one extra mark is added to each of the grade D and grade E intervals.
- (ii) The G/U boundary is the same number of marks below the F/G boundary as the E/F boundary is above the F/G boundary.

15. An awarding organisation must provisionally set the A*/A grade boundary as follows:
- (a) If the mark interval between the A/B boundary and the maximum mark is more than twice the mark interval between the A/B and B/C boundaries, the A*/A boundary is set the same number of marks above the A/B boundary as the B/C boundary is below the A/B boundary.
 - (b) If the mark interval between the A/B boundary and the maximum mark is less than or equal to twice the mark interval between the A/B and B/C boundaries, the A*/A boundary is set halfway between the A/B boundary and the maximum mark, rounded down where necessary to the nearest whole number below (for example, 78.5 is rounded to 78).
16. Where a review of technical and statistical evidence leads the awarding organisation to judge that the A*/A boundary should be set at a different mark, consideration will be given to moving the grade A*/A boundary, and the reasons for this must be recorded.

General requirements

17. When a unit consists of two or more Components, the key grade boundary marks must be determined for each Component separately. The boundary mark for each Component must be scaled as necessary to reflect the weighting for that Component as detailed in the specification, and these scaled Component boundary marks must be added to give unit boundary marks. These unit boundary marks must then be used as the basis for conversion to uniform marks.
18. In all GCSE specifications using uniform marks, the raw grade boundary marks for each Component/unit must be converted to the equivalent uniform mark scale boundary marks based on the percentages given in the table below. Awarding organisations must select an appropriate maximum uniform mark for the qualification award in light of the assessment scheme. At qualification level, the uniform mark grade boundaries are set at the same percentages of the maximum uniform mark for the qualification unless affected by tiering arrangements:

For GCSE	A*	A	B	C	D	E	F	G
Percentage of available uniform marks	90	80	70	60	50	40	30	20

19. For all units, a raw mark of zero must convert to a uniform mark of zero. For un-tiered and higher tier units, the maximum raw mark must be converted to the maximum uniform mark. For foundation tier units, the maximum raw mark

must convert to the maximum uniform mark allowed for the grade range, or one below the lowest uniform mark above the targeted grades.

20. The qualification grade awarded for those qualifications that use uniform marks must be determined by the total uniform mark. However, for some qualifications the grade range will be restricted by the tier of entry of the assessment.

21. For GCSE double awards, the grade range allows credit for intermediate performance according to the following table:

For GCSE double award	A*A*	A* A	A A	A B	B B	B C	C C	C D	D D	D E	E E	E F	F F	F G	G G
Percentage of available uniform marks	90	85	80	75	70	65	60	55	50	45	40	35	30	25	20

Proposed guidance for setting specified levels of attainment in legacy GCSE (A* to G) qualifications

4.3 We are proposing to introduce the following guidance which will apply to all GCSE (A* to G) qualifications:

- Guidance on standard setting

Guidance on standard setting for GCSE (A* to G) qualifications

Condition GCSE (A* to G)1.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCSE qualifications graded A* to G.

We set out below our guidance for the purposes of Condition GCSE (A* to G)1.1(b).

Condition GCSE (A* to G)1.2 states that in setting the specified levels of attainment for a GCSE qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.

Condition GCSE (A* to G)1.3 states that such evidence will only be appropriate if it includes evidence of –

- (a) the Level of Demand of the assessments for that qualification,
- (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification,
- (c) the level of attainment demonstrated by Learners taking that qualification in a –
 - (i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or
 - (ii) prior qualification, whether or not that qualification was a regulated qualification, and
- (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.

Examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a GCSE (A* to G) qualification which it makes available may include –

- question papers/tasks and final mark schemes,
- senior Assessor input into decisions, for example comments on how the assessments have worked and recommendations for the setting of specified levels of attainment,
- technical information about how the assessments have functioned, for example mark distributions, mean marks, standard deviations, item-level statistics,
- samples of current Learners' work selected from a range of Centres and assessed/Moderated by Assessors/moderators whose work is known to be reliable,
- details of changes in entry patterns and choices of options,
- archive Learners' work exemplifying specified levels of attainment in previous assessment series for the qualification, together with the relevant question papers/tasks and mark schemes,
- inter-awarding organisation screening data for GCSE qualifications,
- pertinent material deemed to be of equivalent standard from similar qualifications or other relevant qualifications,
- information on Learners' performance in previous assessment series,
- marking guides for assessments where the evidence is of an ephemeral nature, and
- information on Centres' estimated levels of attainment for all Learners.

In determining whether it has sufficient evidence of the level of attainment demonstrated in the assessments for a GCSE (A* to G) qualification by an

appropriate percentage of the Learners taking that qualification, an awarding organisation should consider whether the marks on its system reflect –

- all possible routes through the qualification, and
- a representative proportion of Learners' marks for the qualification.

Questions on proposed Conditions, requirements and guidance for legacy GCSE (A* to G) qualifications

Question 1: Do you have any comments on our proposed Conditions and requirements for legacy GCSE (A* to G) qualifications?

Question 2: Do you have any comments on our proposed guidance for legacy GCSE (A* to G) qualifications?

5. Our proposed Conditions, requirements and guidance for setting specified levels of attainment for legacy GCE AS and A level qualifications

5.1 As set out above, we are proposing to introduce qualification-specific Conditions, requirements and guidance to implement the proposals in our previous consultation. We set out our proposed Conditions, requirements and guidance below.

Proposed Conditions and requirements for legacy GCE AS and A level qualifications

5.2 We are proposing to introduce the following Conditions and requirements which will apply to all legacy GCE AS and A level qualifications:

- Standard setting
- Interpretation
- Standard setting requirements

Condition	GCE (Pre-reform) ²	Standard setting
GCE(Pre-reform)2.1	In respect of each GCE qualification which it makes available, an awarding organisation must comply with any requirements, and have regard to any guidance, which may be published by Ofqual and revised from time to time in relation to –	<ul style="list-style-type: none"> (a) the promotion of consistency between the measurement of Learners' levels of attainment in that qualification and similar qualifications made available by other awarding organisations, and (b) the setting of specified levels of attainment.
GCE(Pre-reform)2.2	In setting the specified levels of attainment for a GCE qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.	
GCE(Pre-reform)2.3	In respect of each GCE qualification which it makes available, the range of evidence to which an awarding organisation has regard for the purposes of Condition	

		<p>GCE (Pre-reform)2.2 will only be appropriate if it includes evidence of –</p> <ul style="list-style-type: none"> (a) the Level of Demand of the assessments for that qualification, (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification, (c) the level of attainment demonstrated by Learners taking that qualification in a – <ul style="list-style-type: none"> (i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or (ii) prior qualification, whether or not that qualification was a regulated qualification, and (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.
	GCE (Pre-reform)2.4	<p>An awarding organisation must maintain a record of –</p> <ul style="list-style-type: none"> (a) the evidence to which it has had regard in setting the specified levels of attainment for each GCE qualification which it makes available, and (b) its rationale for the selection of and weight given to that evidence.
	Condition	GCE(Pre-reform)2
		Interpretation
	GCE(Pre-reform)3.1	The rules of interpretation and definitions outlined in General Condition J1 shall apply to the GCE (Pre-reform) Qualification Level Conditions.
	GCE(Pre-reform)3.2	Except in the circumstances described in Condition GCE(Pre-reform)3.3, the requirements imposed by the GCE (Pre-reform) Qualification Level Conditions apply in addition to the requirements imposed by the General Conditions of Recognition.
	GCE(Pre-reform)3.3	To the extent that there is any inconsistency between a requirement of a GCE (Pre-reform) Qualification Level

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

Requirements for setting specified levels of attainment for GCE (Pre-reform) qualifications

Condition GCE(Pre-reform)2.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCE (Pre-reform) qualifications.

We set out below our requirements for the purposes of GCE(Pre-reform)2.1(b).

For ease of reference, the specified levels of attainment used in GCE (Pre-reform) qualifications are referred to below as 'grades'.

Setting specified levels of attainment

1. Aggregate marks must be calculated on the basis of a uniform mark scale:
 - (a) Uniform marks for each unit¹³ must be calculated in such a way as to maintain the Learners' relative position between the raw grade boundaries.
 - (b) Each unit must be reported in uniform marks.
 - (c) Uniform marks for individual assessment units must be added to generate a final grade for the qualification as a whole.
 - (d) Where a Learner has taken more than the required number of units, the awarding organisation must generate the best grade for the Learner.
2. The two key grade boundaries are:
 - (a) E/U
 - (b) A/B.

¹³ For the purposes of these requirements a 'unit' is the smallest part of a qualification that is formally reported and can be separately certificated. A unit may comprise separately assessed Components.

An awarding organisation must set the grade boundaries in the sequence given above for each unit/Component.

3. When a unit consists of two or more Components, grade E/U and A/B boundary marks must be determined for each Component separately. The boundary mark for each Component must be scaled as necessary to reflect the weighting for that Component as detailed in the specification, and these scaled Component boundary marks must be added to give unit boundary marks. These unit boundary marks must then be used as the basis for conversion to uniform marks.
4. Where Learners repeat a unit that consists partly of internally assessed work¹⁴, moderated marks for their internally assessed work may be carried forward during the lifetime of the specification (if allowed by the specification).
5. An awarding organisation must determine the other unit/Component grade boundaries arithmetically:
 - (a) The grade B/C, C/D and D/E boundary marks are calculated by dividing the mark interval between the A/B and E/U boundaries by four.
 - (b) Where there is a remainder of one, the extra mark is added to the A to B mark range.
 - (c) Where there is a remainder of two, one extra mark is added to each of the A to B and B to C mark ranges.
 - (d) Where there is a remainder of three, one extra mark is added to each of the A to B, B to C and C to D mark ranges.
6. For all units, raw marks are converted to uniform marks according to the table below. At qualification level, the uniform mark grade boundaries are set at the same percentages of the maximum uniform mark for the qualification.

For GCE	A	B	C	D	E
Percentage of available uniform marks	80	70	60	50	40

¹⁴ For the purposes of these requirements 'internal assessed work' is work undertaken for a form of assessment in which full examination conditions do not apply. The awarding organisation will specify controls that will apply to how work is set, the conditions under which it will be done and how it will be assessed.

7. A mark of zero on the raw mark scale must always be converted to zero on the uniform mark scale. The maximum raw mark for the unit is always converted to the maximum uniform mark for the unit.
8. With the exception of A level qualifications in mathematics and further mathematics, an A* grade will be awarded to Learners who achieve grade A overall and also achieve 90 per cent or more of the maximum uniform mark on the aggregate of the A2 units.
9. For each A level qualification in mathematics, an A* grade will be awarded to Learners achieving a grade A overall and 90 per cent or more of the maximum uniform mark on the aggregate of units C3 and C4.
10. For each A level qualification in further mathematics, an A* grade will be awarded to Learners achieving a grade A overall and 90 per cent or more of the maximum uniform mark on the aggregate of the three best A2 units.
11. The maximum uniform mark for a GCE qualification is dependent on the number of units according to the table below.

Number of units	1	2	3	4	5	6
Maximum uniform mark	100	200	300	400	500	600

12. For double awards, the grade range at qualification level is extended to allow credit for intermediate performance. The uniform mark grade boundaries are set at the percentages of the maximum uniform mark for the qualification according to the table below.

For GCE double award	AA	AB	BB	BC	CC	CD	DD	DE	EE
Percentage of available uniform marks	80	75	70	65	60	55	50	45	40

13. For the applied A level double award, there will be an A*A* and an A*A grade. In each case, Learners will need to achieve an AA grade overall. The A*A* grade will be awarded to those achieving 90 per cent or more of the maximum uniform mark on the aggregate of all of the A2 units. The A*A grade will be awarded to those achieving 90 per cent or more of the maximum uniform mark on the aggregate of the three best A2 units but not achieving A*A*. For the applied A level nine-unit award, there will be an A*A grade (but not an A*A* grade). A*A will be awarded to Learners who achieve grade AA on the nine-unit award overall and 90 per cent or more of the maximum uniform mark on the three A2 units.

Proposed guidance for legacy GCE AS and A level qualifications

5.3 We are proposing to introduce the following guidance which will apply to all legacy GCE AS and A level qualifications:

- Guidance on standard setting

Guidance on standard setting for GCE (Pre-reform) qualifications

Condition GCE(Pre-reform)2.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCE (Pre-reform) qualifications.

We set out below our guidance for the purposes of Condition GCE(Pre-reform)2.1(b).

Condition GCE(Pre-reform)2.2 states that in setting the specified levels of attainment for a GCSE qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.

Condition GCE(Pre-reform)2.3 states that such evidence will only be appropriate if it includes evidence of –

- (a) the Level of Demand of the assessments for that qualification,
- (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification,
- (c) the level of attainment demonstrated by Learners taking that qualification in a –
 - (i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or
 - (ii) prior qualification, whether or not that qualification was a regulated qualification, and
- (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.

Examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a GCE (Pre-reform) qualification which it makes available may include –

- question papers/tasks and final mark schemes,

- senior Assessor input into decisions, for example comments on how the assessments have worked and recommendations for the setting of specified levels of attainment,
- technical information about how the assessments have functioned, for example mark distributions, mean marks, standard deviations, item-level statistics,
- samples of current Learners' work selected from a range of Centres and assessed/Moderated by Assessors/moderators whose work is known to be reliable,
- details of changes in entry patterns and choices of options,
- archive Learners' work exemplifying specified levels of attainment in previous assessment series for the qualification, together with the relevant question papers/tasks and mark schemes,
- inter-awarding organisation screening data for GCE qualifications,
- pertinent material deemed to be of equivalent standard from similar qualifications or other relevant qualifications,
- information on Learners' performance in previous assessment series,
- marking guides for assessments where the evidence is of an ephemeral nature, and
- information on Centres' estimated levels of attainment for all Learners.

In determining whether it has sufficient evidence of the level of attainment demonstrated in the assessments for a GCE (Pre-reform) qualification by an appropriate percentage of the Learners taking that qualification, an awarding organisation should consider whether the marks on its system reflect –

- all possible routes through the qualification, and
- a representative proportion of Learners' marks for the qualification.

Questions on proposed Conditions, requirements and guidance for legacy GCE AS and A level qualifications

Question 3: Do you have any comments on our proposed Conditions and requirements for legacy GCE AS and A level qualifications?

Question 4: Do you have any comments on our proposed guidance for legacy GCE AS and A level qualifications?

6. Our proposed Conditions, requirements and guidance for setting specified levels of attainment for reformed GCE AS and A level qualifications

6.1 As set out above, we are proposing to introduce qualification-specific Conditions, requirements and guidance to implement the proposals in our previous consultation. We set out our proposed Conditions, requirements and guidance below.

Proposed Conditions and requirements for reformed GCE AS and A level qualifications

6.2 We are proposing to introduce the following Conditions and requirements which will apply to all reformed GCE AS and A level qualifications.

- Standard setting
- Standard setting requirements

Condition GCE7	Standard setting
GCE7.1	<p>In respect of each GCE Qualification that it makes available, an awarding organisation must comply with any requirements, and have regard to any guidance, which may be published by Ofqual and revised from time to time in relation to –</p> <p>(a) the promotion of consistency between the measurement of Learners' levels of attainment in that qualification and similar qualifications made available by other awarding organisations, and</p> <p>(b) the setting of specified levels of attainment.</p>
GCE7.2	<p>In setting the specified levels of attainment for a GCE Qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.</p>
GCE7.3	<p>In respect of each GCE Qualification which it makes available, the range of evidence to which an awarding organisation has regard for the purposes of Condition</p>

	<p>GCE7.2 will only be appropriate if it includes evidence of –</p> <ul style="list-style-type: none">(a) the Level of Demand of the assessments for that qualification,(b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification,(c) the level of attainment demonstrated by Learners taking that qualification in a –<ul style="list-style-type: none">(i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or(ii) prior qualification, whether or not that qualification was a regulated qualification, and(d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.
GCE7.4	<p>An awarding organisation must maintain a record of –</p> <ul style="list-style-type: none">(a) the evidence to which it has had regard in setting the specified levels of attainment for each GCE Qualification which it makes available, and(b) its rationale for the selection of and weight given to that evidence.

Requirements for setting specified levels of attainment for GCE Qualifications

Condition GCE7.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCE Qualifications.

We set out below our requirements for the purposes of Condition GCE7.1(b).

These requirements apply only to assessments for A level qualifications that are graded A* to G and assessments for AS qualifications that are graded A to G.

For ease of reference, the specified levels of attainment used in GCE Qualifications are referred to below as 'grades'.

Setting specified levels of attainment

1. For AS and A level the two key grade boundaries are:

(a) E/U

(b) A/B

An awarding organisation must set these key grade boundaries for each Component. In doing this, the awarding organisation must have regard to achieving suitable qualification level outcomes.

2. An awarding organisation must set the key grade boundaries for the qualification as a whole using the following method:

(a) The boundary mark for each Component is scaled as necessary to reflect the intended weighting of that Component as detailed in the specification.

(b) The resulting scaled Component boundary marks are added and the result is rounded to the nearest whole number (0.5 rounded up).

3. An awarding organisation must determine the B/C, C/D and D/E qualification grade boundaries arithmetically:

(a) The grade B/C, C/D and D/E boundary marks are calculated by dividing the mark interval between the A/B and E/U boundaries by four.

(b) Where there is a remainder of one, the extra mark is added to the A to B mark interval.

(c) Where there is a remainder of two, one extra mark is added to each of the A to B and B to C mark intervals.

(d) Where there is a remainder of three, one extra mark is added to each of the A to B, B to C and C to D mark intervals.

4. In respect of A level qualifications, an awarding organisation must set the A*/A boundary using appropriate statistical and technical evidence.

5. So long as the requirements in Condition E10.1 are met, an awarding organisation may permit a Learner to carry forward his or her moderated mark (scaled as appropriate) for an assessment which is not an Assessment by

Examination from a previous attempt at the same qualification awarded by the awarding organisation.

Proposed guidance for reformed GCE AS and A level qualifications

6.3 We are proposing to introduce the following guidance which will apply to all reformed GCE AS and A level qualifications:

- Guidance on standard setting

Guidance on standard setting for GCE Qualifications

Condition GCE7.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for GCE Qualifications.

We set out below our guidance for the purposes of Condition GCE7.1(b).

Condition GCE7.2 states that in setting the specified levels of attainment for a GCE Qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.

Condition GCE7.3 states that such evidence will only be appropriate if it includes evidence of –

- (a) the Level of Demand of the assessments for that qualification,
- (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification,
- (c) the level of attainment demonstrated by Learners taking that qualification in a –
 - (i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or
 - (ii) prior qualification, whether or not that qualification was a regulated qualification, and
- (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.

Examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a GCE Qualification which it makes available may include –

- question papers/tasks and final mark schemes,

- senior Assessor input into decisions, for example comments on how the assessments have worked and recommendations for the setting of specified levels of attainment,
- technical information about how the assessments have functioned, for example mark distributions, mean marks, standard deviations, item-level statistics,
- samples of current Learners' work selected from a range of Centres and assessed/Moderated by Assessors/moderators whose work is known to be reliable,
- details of changes in entry patterns and choices of options,
- archive Learners' work exemplifying specified levels of attainment in previous assessment series for the qualification, together with the relevant question papers/tasks and mark schemes,
- inter-awarding organisation screening data for GCE Qualifications,
- pertinent material deemed to be of equivalent standard from similar qualifications or other relevant qualifications,
- information on Learners' performance in previous assessment series,
- marking guides for assessments where the evidence is of an ephemeral nature, and
- information on Centres' estimated levels of attainment for all Learners.

In determining whether it has sufficient evidence of the level of attainment demonstrated in the assessments for a GCE Qualification by an appropriate percentage of the Learners taking that qualification, an awarding organisation should consider whether the marks on its system reflect –

- all possible routes through the qualification, and
- a representative proportion of Learners' marks for the qualification.

Questions on proposed Conditions, requirements and guidance for reformed GCE AS and A level qualifications

Question 5: Do you have any comments on our proposed Conditions and requirements for reformed GCE AS and A level qualifications?

Question 6: Do you have any comments on our proposed guidance for reformed GCE AS and A level qualifications?

7. Equality impact analysis

Ofqual's role, objectives and duties

7.1 We are subject to the public sector equality duty. We have set out in Appendix A how this duty interacts with our statutory objectives and other duties.

Equality analysis relating to setting specified levels of attainment in GCSE, AS and A level qualifications

7.2 We set out in our previous consultation our analysis of the impact of our proposals. Our previous analysis is available on our website¹⁵.

¹⁵ <https://www.gov.uk/government/consultations/marking-reviews-appeals-grade-boundaries-and-code-of-practice>

Appendix A - Ofqual's role, objectives and duties

Our statutory objectives include the qualifications standards objective, which is to secure that the qualifications we regulate:

(a) give a reliable indication of knowledge, skills and understanding; and

(b) indicate:

(i) a consistent level of attainment (including over time) between comparable regulated qualifications; and

(ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate.

We must therefore regulate so that qualifications properly differentiate between students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

As a public body, we are subject to the public sector equality duty¹⁶. This duty requires us to have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The exam boards that design, deliver and award GCSE, A level and AS qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

¹⁶ Equality Act 2010, s.149.

When we decide whether such adjustments should not be made, we must have regard to:

- (a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities;
- (b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
- (c) the need to maintain public confidence in the qualification.

Legislation therefore sets out a framework within which we must operate. We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a student's knowledge, skills and understanding, a student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification. A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification. It is not always possible for us to regulate so that we can both secure that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, rational decision.

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a student's ability to achieve a particular mark in an assessment, our influence is limited to the way the qualification is designed and assessed.

We require the exam boards to design qualifications to give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. We also require the exam boards to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a student to achieve because they have a particular protected characteristic. We require exam boards to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which exam boards will design, assess and award GCSE, A level and AS qualifications, we want to understand the possible impacts of the proposals on persons who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It should be noted that with respect to the public sector equality duty under section 149 of the Equality Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.

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