

ANALYSIS OF CONSULTATION RESPONSES

Reform of the Exam Procedures Review Service

Consultation on changes to Ofqual's Exam Procedures
Review Service

ofqual

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Introduction

Our consultation on reform of the Exam Procedures Review Service took place between 8 February 2019 and 8 March 2019. Respondents could complete the questions online or download and submit a response.

A copy of the consultation is available at <https://www.gov.uk/government/consultations/reform-of-the-exam-procedures-review-service>.

There were 6 responses to the consultation.

Background

The Exam Procedures Review Service (EPRS) considers applications in relation to results, and decisions around reasonable adjustments and special consideration from centres and private candidates who have completed the relevant awarding organisation's internal appeal procedures. The service covers GCSE, A level, AS, and Project qualifications awarded to learners in England.

At present, the panel which considers EPRS applications which progress to the final stage of the process comprises one Ofqual member and 2 external members. Experience has shown that the service can be provided more efficiently using only Ofqual staff.

We proposed to retain the EPRS and the practice of allowing applicants to have face to face discussions with Ofqual. We propose to change the process by:

- removing the routine use of 'formal' hearings in EPRS cases from summer 2019
- removing the requirement for the EPRS panel to include external members from summer 2019
- extending the EPRS to cover Technical Qualifications as they become available

Who responded?

We received 6 responses to our consultation.

Table 1: Breakdown of consultation responses

Personal/organisation response	Respondent type	Number
Organisation	Awarding Organisation	4
Organisation	Other representative body	2

All respondents were based in England or Wales. Of these, the awarding organisations and one representative body answered via our online portal and responded to most or all of the individual questions asked in the consultation.

One representative body set out its responses to our propositions in a letter rather than using our online portal.

Approach to analysis

The consultation included 11 questions and was published on our website. Respondents could respond using an online form, by email or by posting their responses to us.

This was a consultation on the views of those who wished to participate and, while we tried to ensure that as many respondents as possible had the opportunity to reply, it cannot be considered as a representative sample of any specific group.

We present the responses to the consultation questions in the order in which they were asked. For each of the questions, we presented our proposals and then asked respondents whether they had any comments on what we had proposed. Respondents did not have to answer all of the questions. During the analysis, we reviewed every response to each question.

In some instances, respondents answered a question with comments that did not relate to that question. Where this is the case, we have reported those responses against the question to which the response relates rather than the question against which it was provided.

Analysis – consultation responses

In this section, we report the views, in broad terms, of respondents to the consultation. We list the organisations who responded to the consultation in appendix A.

Routine use of panel hearings

Question 1: To what extent do you agree with our proposal to hold meetings instead of formal hearings in all cases that are not filtered out at the triage and review stages and which cannot be decided on the papers?

Four of the respondents agreed with our proposal; 2 awarding organisations and 2 representative bodies. Two awarding organisations neither agreed nor disagreed.

Respondents who commented noted that they were in favour of informal meetings, which would reduce costs and expedite timescales as well as reducing stress and lowering the emotional load on appellants. However, 3 awarding organisations raised concerns around the how the change from formal to informal meetings would affect the perception and purpose of the EPRS.

Respondents emphasised the need for clear details on how the new process would work and suggested that we set out some clear principles addressing areas such as time allowed for case preparation, communications allowed between parties, and the use of legal representation.

Two awarding organisations queried how the change from a formal to an informal meeting would affect the status and decision making of the EPRS and whether it would represent a dispute resolution or an appeal process.

Continued use of external panellists

Question 2: To what extent do you agree or disagree with our proposal to remove external panellists from the EPRS and to make the EPRS an internal Ofqual process?

Two awarding organisations agreed with our proposal and 2 disagreed. One representative body disagreed with the proposal whilst the other neither agreed nor disagreed.

Respondents who commented noted the importance of independence in the EPRS. The representative bodies commented that this independence should be from Ofqual as well as the awarding organisations with one commenting that they considered this ensured accountability, fairness and provided appropriate and relevant challenge. They acknowledged that issues were rare but considered this was because of the external panellists.

Awarding organisations raised the following concerns:

1. How Ofqual intends to assure the impartiality of the senior officer chairing the meetings, and that we should publish our approach.
2. How the lack of external panellists will affect the neutrality of the process.
3. That regulatory activity in other areas of Ofqual could affect the impartiality of any decisions made.

One awarding organisation considered that it seemed inconsistent to require an element of independence in the awarding organisation's appeals panels, and then remove it from EPRS. Another awarding organisation noted that the external panellists currently are intended to "assess whether outcomes for students [are] as 'fair as they could be'", they suggested that this is vague and that the process should instead focus on compliance with the Conditions of Recognition.

Timing of reforms to the EPRS

Question 3: To what extent do you agree that if we implement the above reforms these should come into effect for the summer 2019 assessment series?

Two awarding organisations responded to this question either agreeing or strongly agreeing with our proposal, and 2 disagreed. One representative body disagreed with our proposed timescale and the other neither agreed nor disagreed.

Awarding organisations were divided as to whether the 2019 implementation timescale was possible.

Two awarding organisations considered that it was feasible to achieve the planned implementation date, although it would require clear information to be swiftly communicated to awarding organisations and centres. One awarding organisation stated that it understood the merit in the 2019 implementation date, but it had concerns about a lack of definition in the proposed new process, and considered we could delay implementation until 2020. The same awarding organisation also suggested that we should hold a further consultation on the detail of the proposed process. Another awarding organisation stated that they felt that our planned implementation rate is rushing.

One representative body noted that any implementation must balance the benefits with ensuring that the EPRS process is “clear, fair and transparent to all.”

Extending the EPRS to Technical Qualifications

Question 4: To what extent do you agree that we should extend the EPRS to include Technical Qualifications where these are subject to the same requirements around reviews and appeals as A level, AS, GCSE and Project qualifications?

All respondents either agreed (3 awarding organisations and 1 representative body) or strongly agreed with our proposals.

Respondents commented that this approach is sensible given the similarities and the aspirations of Technical Qualifications. One awarding organisation questioned whether EPRS should be extended to other types of qualification.

Regulatory impact

Question 5: We have set out our view of the regulatory impact of our proposals on reform of the EPRS. Do you have any comments on this assessment?

Two awarding organisations commented on this point. One stated that they did not feel that we could claim with certainty that the changes would be less burdensome until it is tested. Another stated that they did not feel that the changes would materially affect the time or resource requirements of attending a meeting.

Question 6: Are there any additional steps we could take to reduce the regulatory impact of our proposals?

There were no comments on this question.

Question 7: Are there any costs or benefits associated with our proposals which we have not identified?

There were no comments on this question.

Growth

Question 8: We have not identified any ways in which our proposals will prevent innovation by awarding organisations. Do you have any comments on this assessment? Please provide specific examples.

There were no comments on this question.

Equality analysis

Question 9: We have set out our view that our proposals would not impact (positively or negatively) on students who share a particular protected characteristic. Are there any potential impacts that we have not identified?

One representative body raised concerns that students with particular protected characteristics might be unable to understand the procedures, not be able to bring representation to the hearings or be intimidated at the hearings.

There were no other comments provided on this question.

Question 10: Are there any additional steps we could take to mitigate any negative impact you have identified would result from our proposals, on students who share a protected characteristic?

One representative body suggested that we ensure that advocacy is permitted at the meetings, that applicants are not “hugely outnumbered” by Ofqual employees, and that documentation is available in a variety of forms and in plain English.

There were no other comments provided on this question.

Question 11: Do you have any other comments on the impacts of our proposals on students who share a protected characteristic?

There were no comments on this question.

Appendix A: List of organisational consultation respondents

When completing the questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation. Below we list those organisations that submitted a non-confidential response to the consultation.

Association of School and College Leaders (ASCL)

AQA

OCR

Pearson

The Student Room

WJEC-CBAC



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