



Guidance

Examination Procedures Review Service Terms of Reference: summer 2021

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The Exam Procedures Review Service (EPRS) is an Ofqual function to review applications in respect of specified regulated qualifications awarded to Learners in the UK, in accordance with Ofqual's powers pursuant to the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA).

Qualifications will be awarded differently in summer 2021, because the ongoing pandemic means it is not possible for public examinations to be held. In the absence of exams, awarding organisations will determine results for the qualifications in scope of EPRS using information requested from Centres, in accordance with exceptional Conditions, Requirements and Guidance set by Ofqual [\[footnote 1\]](#).

Remit

These Terms of Reference concern the way the EPRS will operate for the following Ofqual-regulated qualifications awarded in summer 2021 [\[footnote 2\]](#):

- (a) General Certificate of Secondary Education (GCSE)
- (b) General Certificate of Education (A level and AS qualifications)
- (c) Project qualifications
- (d) Advanced Extension Award qualifications (AEA)

In accordance with Condition I2 of the General Conditions of Recognition, awarding organisations must comply with this process.

Role

For qualifications awarded in summer 2021, the role of the EPRS is to consider applications made and to determine whether, in relation to an eligible application, the awarding organisation has:

- (a) Followed its own procedures properly and consistently in relation to:
 - (i) the issue of results,
 - (ii) the management of the Learner's appeal,
 - (iii) the correction or otherwise of any incorrect result it discovered in connection with the reviews and appeals process in respect of a GQ Qualification.
- (b) Secured the outcomes required by Condition GQAA3.2(a)(i), by issuing results which reflect the Teacher Assessed Grade submitted to the awarding organisation by the Centre in respect of that Learner,
- (c) Secured the outcomes required by the Conditions in relation to the Learner's appeal, in particular:
 - (i) Followed an effective process to determine appeals submitted on the basis a Centre did not follow its procedure properly or consistently (GQAA4.1(b)(i)),
 - (ii) Identified any administrative error made by the awarding organisation in connection with a Learner's result (GQAA4.1(b)(ii)),
 - (iii) Followed an effective process to determine appeals submitted on the basis that a Learner's result was affected by an unreasonable exercise of academic judgement (GQAA4.1(b)(iii)).
- (d) Secured the outcomes required by Condition GQAA4.10 by following an effective process to determine whether it considered a result should be corrected and to correct such a result, where appropriate.

Outcomes

In accordance with Condition I2.2 of the General Conditions of Recognition, an awarding organisation must give due regard to the outcome of the EPRS process in relation to any qualification which it makes available.

An application to the EPRS may be allowed or dismissed.

An application to the EPRS will be allowed where the decision-maker considers it more likely than not:

- (a) the awarding organisation has failed to follow its own procedures properly or consistently in one or more respects (allowed on procedural grounds);
- (b) the awarding organisation has failed to secure the outcomes required by the Conditions in one or more respects (allowed on compliance grounds); or
- (c) the awarding organisation has both failed to follow its own procedures properly and consistently and to secure the outcomes required by the Conditions (allowed on procedural and compliance grounds).

An application to the EPRS will be dismissed in all other circumstances.

Eligibility Criteria

The EPRS may consider only applications where all of the following criteria are met:

- (a) the application concerns a qualification which falls within the Remit section of these Terms of Reference;
- (b) the application concerns one or more of the matters which falls within the Role section of these Terms of Reference;
- (c) the application concerns a Learner or Learners to whom a Teacher Assessed Grade was submitted by a Centre in the UK;
- (d) the application was made after the conclusion of the final stage of the awarding organisation's appeals process;
- (e) unless there are exceptional circumstances, the application was submitted to EPRS within 15 working days of the awarding organisation issuing a final decision in respect of the conclusion of the final stage of its appeals process.

Applications may be made by a Learner, on behalf of a Learner by a parent, carer or other representative, or by a Centre on behalf of (and with the agreement of) one or more specified Learners. Duplicate applications will be rejected.

Decisions

Applications to the EPRS which do not meet the criteria specified in the Eligibility Criteria section of these Terms of Reference will be rejected. Eligible applications will proceed to the First Review Stage.

First Review Stage:

- (a) The purpose of the First Review Stage is to identify cases in which, although eligible for EPRS review, there is no real possibility the application will be allowed;
- (b) Applications which proceed to the First Review Stage will be considered by a member of Ofqual's staff at, or senior to, grade 7, as decision-maker;
- (c) Where the decision-maker considers there is a real possibility the application may be allowed, the application will proceed to the Second Review Stage;
- (d) Where the decision-maker considers there is no real possibility the application will be allowed, the applicant will be given reasonable opportunity to respond to the decision-maker's provisional view, the reasons for which will be explained in writing;
- (e) Where, having considered any representations made by the applicant, the decision-maker remains of the view that there is no real possibility the application will be allowed, the application will be dismissed.

Second Review Stage

- (a) The purpose of the Second Review Stage is to decide whether an application which has proceeded to that stage should be allowed or should be dismissed;
- (b) Applications which proceed to the Second Review Stage will be considered:
 - (i) by a member of Ofqual staff at grade 6 or senior, as decision-maker; or
 - (ii) by an Independent Person appointed by Ofqual for that purpose.
- (c) The applicant and the awarding organisation will usually be invited to attend a meeting with the decision-maker to consider the case. The meeting will take place remotely;
- (d) Where the decision-maker considers it appropriate, an initial view may be issued prior to any meeting with the parties, for the purpose of allowing the parties to respond to that initial view during the meeting;
- (e) Following the meeting, the decision-maker will issue a reasoned provisional view, to which the parties will be given reasonable opportunity to respond;
- (f) A final decision will be issued to the parties following the decision-maker's consideration of any representations made or following the expiry of the deadline for such representations if no representations are made.

Case Management

Directions

Ofqual staff at grade 7 or senior may at any time give case management directions to assist in the resolution of an EPRS application. A timeline will be set out in directions for each case which proceeds to the Second Review Stage.

Where the parties both agree, case management directions may be given which truncate the procedure anticipated in these Terms of Reference, including by the removal of procedural stages and / or the determination of an application by consent.

Reporting

The EPRS will report its decisions in writing to:

- (a) The applicant;
- (b) The affected awarding organisation, at the review stage;
- (c) The relevant Ofqual Executive Director.

Ofqual will publish a report on the work of the EPRS, usually on an annual basis.

Review

These Terms of Reference will be reviewed and amended as necessary.

Interpretation

The rules of interpretation and definitions set out in Condition GAAQ1 shall apply to these Terms of Reference.

- [General Qualifications Alternative Awarding Framework](#)
- These Terms of Reference will not apply to qualifications awarded following examinations which will take place in autumn 2021 or early 2022.

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