

Saving and transitional provisions for GCSE qualifications (graded A* to G)

June 2016



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About this document

The Apprenticeships, Skills, Children and Learning Act 2009¹ (the “2009 Act”) allows us to set an accreditation requirement for qualifications (or descriptions of qualifications).

We have set such an accreditation requirement for all GCSEs (graded A* to G). That means they can only be awarded if they are accredited.

As part of the process for replacing GCSEs (graded A* to G), we have set dates on which their accreditation ends.

Section 140(10) of the 2009 Act allows us to set rules (called “saving and transitional provisions”) which apply when a qualification’s accreditation ends. We are using this power to set rules about the availability of re-sits for GCSEs (graded A* to G).

This document set out those rules.

¹ www.legislation.gov.uk/ukpga/2009/22/section/138

Saving and transitional provisions for GCSE qualifications (graded A* to G)

GCSE qualifications (graded A* to G) that will cease to be accredited on 31 August 2016

1. As stated in our *Accreditation Criterion For All Qualifications Subject to an Accreditation Requirement*,² GCSE qualifications (graded from A* to G) in the following subjects will cease to be accredited on 31st August 2016 –
 - English
 - English Language
 - English Literature
 - Mathematics.
2. On 8 June 2016, we used our powers under section 140(7) of the 2009 Act to vary the date on which the GCSE qualifications (graded from A* to G) in the following subjects will cease to be accredited to 31st August 2016 –
 - Applications of Mathematics
 - Methods in Mathematics
3. We have made the following saving and transitional provisions under section 140(10) of the 2009 Act in respect of GCSE qualifications (graded A* to G) in –
 - Applications of Mathematics
 - English
 - English Language
 - Mathematics
 - Methods in Mathematics

('the 2016 GCSE Subjects')

² www.gov.uk/government/publications/accreditation-criterion

4. In respect of each GCSE qualification (graded A* to G) in a 2016 GCSE Subject which it makes available, an awarding organisation is required to comply with these saving and transitional provisions under Condition D9.1.
5. Subject to these saving and transitional provisions and the completion of any relevant appeal procedure, an awarding organisation must ensure that the final award of each GCSE qualification (graded A* to G) in a 2016 GCSE Subject which it makes available takes place in August 2016.
6. In respect of each GCSE qualification (graded A* to G) in a 2016 GCSE Subject which it makes available an awarding organisation must –
 - (a) provide opportunities for Learners to take the qualification again ('a 2016/17 GCSE Re-sit') in –
 - (i) November 2016, and
 - (ii) May and/or June 2017, and
 - (b) ensure that each 2016/17 GCSE Re-sit which it provides meets the requirements outlined in paragraphs 7 to 13.
7. Without prejudice to the application of these provisions to any other awarding organisation or to any other GCSE qualification (graded A* to G) in a 2016 GCSE Subject, in relation to a GCSE qualification (graded A* to G) in Mathematics –
 - (a) AQA Education must –
 - (i) in November 2016, provide a 2016/17 GCSE Re-sit in both –

AQA Level 1/Level 2 GCSE in Mathematics (QAN 500/7856/2), and

AQA Level 1/Level 2 GCSE in Mathematics B (QAN 500/8495/1), and
 - (ii) in May and/or June 2017, provide a 2016/17 GCSE Re-sit in –

AQA Level 1/Level 2 GCSE in Mathematics B (QAN 500/8495/1),
 - (b) Oxford, Cambridge and RSA Examinations must –
 - (i) in November 2016, provide a 2016/17 GCSE Re-sit in both –

OCR Level 1/Level 2 GCSE in Mathematics A (QAN 500/7764/8), and

OCR Level 1/Level 2 GCSE in Mathematics B (QAN 500/7923/2), and
 - (ii) in May and/or June 2017, provide a 2016/17 GCSE Re-sit in –

OCR Level 1/Level 2 GCSE in Mathematics B (QAN 500/7923/2),

- (c) Pearson Education Ltd must –
 - (i) in November 2016, provide a 2016/17 GCSE Re-sit in both –

Pearson Edexcel Level 1/Level 2 GCSE in Mathematics A (QAN 500/7916/5), and

Pearson Edexcel Level 1/Level 2 GCSE in Mathematics B (QAN 500/7886/0), and
 - (ii) in May and/or June 2017, provide a 2016/17 GCSE Re-sit in –

Pearson Edexcel Level 1/Level 2 GCSE in Mathematics A (QAN 500/7916/5).
- 8. In respect of each 2016/17 GCSE Re-sit which it provides, an awarding organisation must ensure that -
 - (a) Learners complete the Assessments by Examination to be taken as part of that 2016/17 GCSE Re-sit during –
 - (i) November 2016, or
 - (ii) May and/or June 2017,
 - (b) a Learner does not complete any assessment to be taken as part of that 2016/17 GCSE Re-sit after 30th June 2017,
 - (c) for tiered qualifications, assessments in both tiers are offered, and
 - (d) the awarding organisation continues to comply with all of the Conditions of Recognition and Regulatory Documents which apply to the relevant qualification, including those in relation to the marking of assessments, the setting of specified levels of attainment, the issue of results, appeals and the issue of certificates.
- 9. Subject to paragraph 7, an awarding organisation must ensure that a Learner may take a 2016/17 GCSE Re-sit which it provides in both –
 - (a) November 2016, and
 - (b) May and/or June 2017.
- 10. An awarding organisation must take all reasonable steps to ensure that it only provides a 2016/17 GCSE Re-sit in November 2016 to a Learner who –

- (a) was issued with a result for the relevant qualification before 31st August 2016,
 - (b) would have been entered to complete the Assessments by Examination to be taken for that qualification before 1st July 2016, but was not entered due to illness, injury or some other event outside of his or her control, or
 - (c) has reached at least the age of 16 on or before 31st August 2016.
11. An awarding organisation must take all reasonable steps to ensure that it only provides a 2016/17 GCSE Re-sit in May and/or June 2017 to a Learner who has reached at least the age of 16 on or before 31st August 2016.
12. In respect of each 2016/17 GCSE Re-sit which it provides, an awarding organisation must ensure that –
- (a) a Learner may use the result for an assessment which was not an Assessment by Examination which he or she has taken previously for the same qualification made available by the awarding organisation, and
 - (b) that Learner is not required to take that assessment again before being awarded the qualification.
13. An awarding organisation must ensure that –
- (a) in respect of each 2016/17 GCSE Re-sit which it provides in GCSE English language, a Learner may use the result for a speaking and listening controlled assessment which he or she has taken previously for a GCSE qualification (graded A* to G) in English made available by the awarding organisation,
 - (b) in respect of each 2016/17 GCSE Re-sit which it provides in GCSE English, a Learner may use the result for a speaking and listening controlled assessment which he or she has taken previously for a GCSE qualification (graded A* to G) in English language made available by the awarding organisation, and
 - (c) in neither case is that Learner required to take that assessment again before being awarded the qualification in respect of which the 2016/17 GCSE Re-sit has been provided.
14. If requested, an awarding organisation must provide a 2016/17 GCSE Re-sit which meets the requirements in paragraphs 7 to 11 to a Learner who took the Assessments by Examination for a GCSE qualification (graded A* to G) in the same 2016 GCSE Subject with a different awarding organisation before 31st August 2016. For the avoidance of doubt, this paragraph does not apply where

an awarding organisation does not already make available a GCSE qualification (graded A* to G) in the same 2016 GCSE Subject.

GCSE science qualifications (graded A* to G) that will cease to be accredited on 31 August 2017

15. GCSE qualifications (graded from A* to G) in the following subjects will cease to be accredited on 31st August 2017 –

- Additional Science
- Biology
- Chemistry
- Further Additional Science
- Physics
- Science.

(the 'Science Subjects')

16. We have made the following saving and transitional provisions in respect of GCSE qualifications (graded A* to G) in the Science Subjects under section 140(10) of the 2009 Act.

17. In respect of each GCSE qualification (graded A* to G) in a Science Subject which it makes available, an awarding organisation is required to comply with these saving and transitional provisions under Condition D9.1.

18. Subject to these saving and transitional provisions and the completion of any relevant appeal procedure, an awarding organisation must ensure that the final award of each GCSE qualification (graded A* to G) in a Science Subject which it makes available takes place in August 2017.

19. In respect of each GCSE qualification (graded A* to G) in Science and Additional Science which it makes available an awarding organisation must –

- (a) provide an opportunity for Learners to take the qualification again before 1st July 2018 (a 'Science Re-sit'³), and
 - (b) ensure that each Science Re-sit which it provides meets the requirements outlined in paragraphs 20 to 22.
20. In respect of each Science Re-sit which it provides, an awarding organisation must ensure that –
- (a) a Learner does not complete any assessment to be taken as part of that Science Re-sit after 30th June 2018,
 - (b) for tiered qualifications, assessments in both tiers are offered, and
 - (c) the awarding organisation continues to comply with all of the Conditions of Recognition and Regulatory Documents which apply to the relevant qualification⁴, including those in relation to the marking of assessments, the setting of specified levels of attainment, the issue of results, appeals and the issue of certificates.
21. An awarding organisation must take all reasonable steps to ensure that it only provides a Science Re-sit to a Learner who –
- (a) was issued with a result for a GCSE qualification (graded A* to G) in a Science Subject⁵ before 31st August 2017,
 - (b) would have been entered to complete the Assessments by Examination to be taken for a GCSE qualification (graded A* to G) in a Science Subject⁶ before 1st July 2017, but was not entered due to illness, injury or some other event outside of his or her control, or

³ For ease of reference these provisions use the term 're-sit'. For clarity, in line with the provisions, the assessments taken as part of a re-sit will in some circumstances comprise a Learner's first attempt at the qualification.

⁴ For the avoidance of doubt, this includes the *Criteria for GCSE Qualifications*, insofar as it constitutes a Regulatory Document. If there is any inconsistency in a provision in those criteria and these saving and transitional provisions, these saving and transitional provisions shall prevail.

⁵ It is not required that a Learner has been issued with a result in the same Science Subject as that in which the Science Re-sit is offered. Learners who have been issued results in respect of any Science Subject before 31st August 2017 must be permitted to take a Science Re-sit.

⁶ As in fn 6, this may be any Science Subject.

- (c) has reached at least the age of 16 on or before 31st August 2017.
22. In respect of each Science Re-sit which it provides, an awarding organisation must ensure that –
- (a) a Learner may use the result for an assessment which was not an Assessment by Examination which he or she has taken previously for a GCSE qualification (graded A* to G) in a Science Subject made available by the awarding organisation, and
 - (b) that Learner is not required to take that assessment again before being awarded the qualification.
23. If requested, an awarding organisation must provide a Science Re-sit which meets the requirements in paragraphs 20 and 21 to a Learner who took the Assessments by Examination for a GCSE qualification (graded A* to G) in a Science Subject with a different awarding organisation before 1st August 2017. For the avoidance of doubt, this paragraph does not apply where an awarding organisation does not already make available a GCSE qualification (graded A* to G) in Science or Additional Science.
24. An awarding organisation may, but is not required to, offer an opportunity for a Learner to take a qualification in a Science Subject other than Science and Additional Science again. Where an awarding organisation chooses to offer such an opportunity that opportunity must comply with the requirements in paragraphs 20 to 22 above.

All other GCSE qualifications (graded A* to G)

25. Subject to these saving and transitional provisions and the completion of any relevant appeal procedure, an awarding organisation must ensure that the final award of each GCSE qualification (graded A* to G) which it makes available in a subject which is neither a 2016 GCSE Subject nor a Science Subject takes place in August of the calendar year in which the accreditation for that qualification ceases.
26. An awarding organisation may, but is not required to, offer a re-sit opportunity in a GCSE qualification (graded A* to G) which it makes available in a subject

which is neither a 2016 GCSE Subject nor a Science Subject (a 'GCSE Re-sit Opportunity'⁷).

27. In respect of each GCSE Re-sit Opportunity which it makes available, an awarding organisation is required to comply with these saving and transitional provisions under Condition D9.1.
28. An awarding organisation must ensure that each GCSE Re-sit Opportunity which it provides –
 - (a) is provided in the academic year after the accreditation for the qualification has ceased, and
 - (b) meets the requirements outlined in paragraphs 29 and 30.
29. In respect of each GCSE Re-sit Opportunity which it provides, an awarding organisation must ensure that –
 - (a) a Learner does not complete any assessment to be taken as part of that GCSE Re-sit Opportunity after 30th June in the calendar year after the accreditation for the qualification has ceased,
 - (b) for tiered qualifications, assessments in both tiers are offered, and
 - (c) the awarding organisation continues to comply with all of the Conditions of Recognition and Regulatory Documents which apply to the qualification⁸, including those in relation to the marking of assessments, the setting of specified levels of attainment, the issue of results, appeals and the issue of certificates.
30. An awarding organisation must take all reasonable steps to ensure that it only provides a GCSE Re-sit Opportunity to a Learner who –
 - (a) was issued with a result for the relevant qualification before the date on which the accreditation for that qualification ceased,

⁷ For ease of reference these provisions use the term 're-sit'. For clarity, in line with the provisions, the assessments taken as part of a re-sit will in some circumstances comprise a Learner's first attempt at the qualification.

⁸ For the avoidance of doubt, this includes the *Criteria for GCSE Qualifications*, insofar as it constitutes a Regulatory Document. If there is any inconsistency in a provision in those criteria and these saving and transitional provisions, these saving and transitional provisions shall prevail.

Saving and transitional provisions for GCSE qualifications (graded A to G)*

- (b) would have been entered to complete the Assessments by Examination to be taken for that qualification before 1st July in the calendar year in which the accreditation for that qualification ceased, but was not entered due to illness, injury or some other event outside of his or her control, or
- (c) has reached at least the age of 16 on or before 31st August in the calendar year during which the accreditation for the qualification has ceased.

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