

Appendix 6: Draft Qualification Level Conditions for GCE pre-reform qualifications

The draft Conditions that we would put in place to implement the proposals for legacy GCE qualifications are set out below.

We propose to add the following new Conditions:

Condition GCE(Pre-reform)3¹ – Marking arrangements

- GCE(Pre-reform)3.1 In respect of each GCE qualification which it makes available, an awarding organisation must ensure that the arrangements which are required by General Condition H1.1 require that, in respect of an assessment other than an assessment marked by a Centre –
- (a) all marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the marking,
 - (b) prior to carrying out any marking, each Assessor shall be provided with training,
 - (c) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being understood and accurately applied by Assessors,
 - (d) where an awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to accurately apply the criteria against which the Learners' performance is differentiated, it shall take all reasonable steps to correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure and ensure that the failure does not recur in the future,
 - (e) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being applied consistently by Assessors

¹ We propose that the new Conditions would follow on from the GCE Qualification Level Condition for pre-reform qualifications which is currently in force and from a proposed Condition on Standard Setting.

	who are carrying out marking, and
	(f) where an awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners' performance is differentiated are not being applied consistently, it shall take all reasonable steps to promote consistency in the future.
GCE(Pre-reform)3.2	In respect of each GCE qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are required by General Condition H1.1 require that prior to the marking of the assessment the awarding organisation makes available training to the Centre.
GCE(Pre-reform)3.3	In respect of each GCE qualification which it makes available, an awarding organisation must ensure that the monitoring which is required by General Condition C1.1(b) includes monitoring of whether or not Assessors carrying out marking are doing so in a manner which is compliant with the awarding organisation's Conditions of Recognition.

Condition GCE(Pre-reform)4 – Moderation arrangements

GCE(Pre-reform)4.1	<p>In respect of each GCE qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are required by General Condition H2.1 require that –</p> <p>(a) all Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Moderation being carried out,</p> <p>(b) a person who was previously involved in a Centre's marking of an assessment must not be involved in Moderation in respect of that marking,</p> <p>(c) prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided</p>
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with training,

(d) prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of any Marked Assessment Material which is to be subject to Moderation and the criteria against which Learners' performance is differentiated,

(e) the awarding organisation shall monitor whether or not Moderation is being carried out in a manner which is compliant with General Condition H2,

(f) where the awarding organisation learns, through its monitoring or otherwise, that Moderation has not been carried out in a manner which is compliant with General Condition H2, it shall take all reasonable steps to correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure and ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the persons who are carrying out Moderation are making determinations which are consistent over time and consistent with determinations made by each other, and

(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between persons carrying out Moderation, it shall take all reasonable steps to promote consistency in the future.

GCE(Pre-reform)4.2

In respect of each GCE qualification involving Moderation which it makes available, an awarding organisation must ensure that the monitoring which is required by General Condition C1.1(b) includes monitoring of whether or not persons carrying out Moderation are doing so in a manner which is compliant with the awarding organisation's Conditions of Recognition.

Condition GCE(Pre-reform)5 – Review of marking of centre-marked assessments

GCE(Pre-reform)5.1	<p>In respect of each GCE qualification which it makes available, or proposes to make available, where an assessment is marked by a Centre, an awarding organisation must –</p> <p>(a) ensure that the agreement which is required by General Condition C2.2 to be in place between it and the Centre includes the provisions required by this condition, and</p> <p>(b) take all reasonable steps to ensure that the Centre complies with those provisions.</p>
GCE(Pre-reform)5.2	<p>For the purposes of this condition, the agreement must include provisions which require the Centre to –</p> <p>(a) establish, maintain and comply with arrangements for any Learner to request a review of the Centre’s marking of an assessment in respect of the Learner and for such a review to be carried out,</p> <p>(b) issue the results for each assessment which has been marked by the Centre to Learners, so as to allow a reasonable time period for Learners to consider whether to request a review of the Centre’s marking of that assessment,</p> <p>(c) inform Learners that they may request copies of materials to assist them in considering whether to request a review of the Centre’s marking of the assessment,</p> <p>(d) on such a request from a Learner, promptly make available to the Learner copies of any materials which the Learner may reasonably require to consider whether to request a review of the Centre’s marking of the assessment,</p> <p>(e) ensure that arrangements in place for the review of the Centre’s marking require that all such reviews will be carried out by Assessors who have appropriate competence and who have no personal interest in the review being carried out,</p> <p>(f) ensure that an Assessor who was previously involved in</p>

the Centre's marking of an assessment in respect of a Learner is not involved in a review of marking in respect of that assessment,

(g) ensure that arrangements in place for the review of the Centre's marking of an assessment require the Assessor carrying out the review to remark a task to the extent necessary to correct the effect of any Marking Error in the marking of the task,

(h) ensure that arrangements in place for the review of the Centre's marking of an assessment require the Learner to be notified promptly of the outcome of the review, of the reasons for the outcome which has been determined and of any change in mark,

(i) ensure that arrangements in place for the Learner to request a review of the Centre's marking of an assessment require any such review to be completed so as to meet the awarding organisation's requirements in relation to when marks for the assessment and materials in respect of the assessment must be provided to it to enable it to undertake Moderation, and

(j) notify Learners and the awarding organisation of how they may obtain a copy of the arrangements in place for the Learner to request a review of the Centre's marking and provide such a copy promptly when requested.

GCE(Pre-reform)5.3

In respect of each GCE qualification which it makes available or proposes to make available where an assessment is marked by a Centre, an awarding organisation must notify Centres (sufficiently far in advance to satisfy their reasonable planning requirements) of its requirements in relation to when marks for the assessment and materials in respect of the assessment must be provided to it to enable it to undertake Moderation.

Application

GCE(Pre-reform)5.4

Conditions GCE(Pre-reform)5.2(b) to GCE(Pre-reform)5.2(i) and Condition GCE(Pre-reform)5.3 shall not

apply to an awarding organisation until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph.

GCE(Pre-reform)5.5 Any such notice issued by Ofqual may be –

- (a) issued in respect of one or more GCE qualifications, and
- (b) varied by Ofqual at any time prior to the date specified in or determined under it.

Condition GCE(Pre-reform)6 – Notification of Moderation outcome

GCE(Pre-reform)6.1 In respect of each GCE qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must notify the Centre of the outcome of Moderation so as to allow a reasonable time period for the Centre to consider whether to request a review of Moderation, taking into account any date by which the awarding organisation requires such a request to be received.

GCE(Pre-reform)6.2 The notification which an awarding organisation provides for the purposes of Condition GCE(Pre-reform)6.1 must specify the reasons for the outcome of Moderation.

Condition GCE(Pre-reform)7 – Review of Moderation

GCE(Pre-reform)7.1 In respect of each GCE qualification involving Moderation which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for any Centre to request a review of the Moderation undertaken by the awarding organisation in respect of any assessment which has been marked by the Centre and for the awarding organisation to carry out such a review.

GCE(Pre-reform)7.2 The arrangements may –

	<p>(a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,</p> <p>(b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and</p> <p>(c) specify a date by which a review of Moderation must be requested.</p>
GCE(Pre-reform)7.3	<p>Where the arrangements specify a date by which a review of Moderation must be requested, the date must –</p> <p>(a) be reasonable, taking into account –</p> <p>(i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation’s arrangements, and</p> <p>(ii) the purpose of the GCE qualification, and</p> <p>(b) comply with any requirements which may be published by Ofqual and revised from time to time.</p>
GCE(Pre-reform)7.4	<p>The arrangements must require that, on carrying out a review of Moderation, the awarding organisation –</p> <p>(a) determines, in respect of the Moderation it undertook of the Centre’s marking of the assessment, whether the Moderation included any Moderation Error,</p> <p>(b) where it has determined that the Moderation did not include any Moderation Error, makes no changes to the outcome of Moderation,</p> <p>(c) where it has determined that the Moderation included a Moderation Error, makes changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but makes no other changes to the outcome of Moderation, and</p> <p>(d) documents the reasons for any determination and for any change to the outcome of Moderation.</p>

GCE(Pre-reform)7.5	<p>The arrangements must require that –</p> <p>(a) all reviews of Moderation will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the review being carried out,</p> <p>(b) a person who was previously involved in the Centre’s marking of an assessment or in the Moderation of that assessment must not be involved in a review of Moderation in respect of that marking,</p> <p>(c) prior to carrying out any review of Moderation, each person tasked with carrying out such a review shall be provided with training on how to do so in accordance with this condition,</p> <p>(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with a copy of any Marked Assessment Material which was considered for the purpose of Moderation and the criteria against which Learners’ performance is differentiated,</p> <p>(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,</p> <p>(f) where the awarding organisation learns, through its monitoring or otherwise, that a review of Moderation has not been carried out in accordance with this condition, it shall take all reasonable steps to correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure and ensure that the failure does not recur in the future,</p> <p>(g) the awarding organisation shall monitor whether or not the persons who are carrying out reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,</p> <p>(h) where the awarding organisation learns, through its monitoring or otherwise, that determinations are not being</p>
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	<p>made consistently over time or between persons carrying out reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,</p> <p>(i) the awarding organisation reports to the Centre both the outcome of the review of Moderation and, either together with that outcome or later, the reasons documented when the review of Moderation was carried out, and</p> <p>(j) where, on carrying out a review of Moderation, the awarding organisation discovers what it considers to be a Marking Error in the marking of an assessment, the awarding organisation includes details of the Marking Error in its report to the Centre on the outcome of the review of Moderation.</p>
GCE(Pre-reform)7.6	<p>The arrangements must, following the awarding organisation's notification of the outcome of the review of Moderation, provide for –</p> <p>(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,</p> <p>(b) marks and (where appropriate) results to be updated promptly to correct the effect of any Marking Error notified to the Centre in accordance with this condition, and</p> <p>(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and update marks and (where appropriate) results promptly to correct the effect of any error which is identified.</p>
GCE(Pre-reform)7.7	<p>An awarding organisation must publish the arrangements, including details of –</p> <p>(a) how a review of Moderation must be requested,</p> <p>(b) any date by which a review of Moderation must be requested,</p> <p>(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and</p>

any circumstances in which such a fee will be refunded,

(d) the training which the awarding organisation will provide to persons tasked with carrying out a review of Moderation prior to carrying out such a review,

(e) the monitoring which the awarding organisation will carry out of reviews of Moderation,

(f) the action which the awarding organisation will take where it learns that reviews of Moderation have not been carried out in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations being made on reviews of Moderation are not being made consistently over time or between persons carrying out such reviews, and

(h) the target time period for the period following a request for a review of Moderation by which the awarding organisation will have reported the outcome of the review to the Centre and the target time period following such a request by which the awarding organisation will have also reported the reasons in respect of the review.

Condition GCE(Pre-reform)8 – Making Marked Assessment Materials available to Learners

GCE(Pre-reform)8.1 In respect of each GCE qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition to make available a Learner's Marked Assessment Material in respect of any assessment to be taken for that qualification to the Learner or, where the assessment has been delivered by the Relevant Centre, the Relevant Centre (on the Learner's behalf).

GCE(Pre-reform)8.2 The arrangements may –

(a) provide that the awarding organisation is not required to take further steps to make available a copy or a

representation of evidence generated by the Learner in the assessment where the evidence (or a copy of the evidence) is already held by the Learner or, where the assessment has been delivered by the Relevant Centre, by the Learner or the Relevant Centre,

(b) require the awarding organisation to make available Marked Assessment Material only on payment of a fee,

(c) require the awarding organisation to make available Marked Assessment Material only on request,

(d) provide that, where the assessment has been delivered by the Relevant Centre, any such request must be made by the Relevant Centre (on the Learner's behalf),

(e) specify other requirements for the making of such a request, provided that such requirements are reasonable, and

(f) specify a date by which such a request must be received.

GCE(Pre-reform)8.3 The arrangements must –

(a) allow Learners and Relevant Centres a reasonable opportunity to consider whether to request the awarding organisation to carry out an Administrative Error Review in respect of the Marked Assessment Material, and

(b) allow Learners and Relevant Centres a reasonable opportunity to consider whether to request the awarding organisation to carry out a review of marking of the Marked Assessment Material,

taking into account any date by which the awarding organisation requires such a request to be received.

GCE(Pre-reform)8.4 Any date specified in the arrangements –

(a) by which the awarding organisation will make Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre), or

	<p>(b) by which a request for Marked Assessment Material to be made available must be received,</p> <p>must comply with any requirements which may be published by Ofqual and revised from time to time.</p>
GCE(Pre-reform)8.5	<p>The arrangements must require that a copy of the criteria against which Learners' performance is differentiated in respect of the assessment is made available to the Learner (or as the case may be the Relevant Centre) at the same time as or prior to the Marked Assessment Material being made available.</p>
GCE(Pre-reform)8.6	<p>An awarding organisation must publish the arrangements, including details of –</p> <p>(a) how any request for Marked Assessment Material to be made available must be made and any date by which such a request must be received,</p> <p>(b) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded, and</p> <p>(c) any date by which the awarding organisation will make Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre) or any target time period for the period following a request by which the awarding organisation will have made Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre).</p>

Condition GCE(Pre-reform)9 – Administrative Error Review

GCE(Pre-reform)9.1	<p>In respect of each GCE qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out an Administrative Error Review in respect of the Learner's Marked Assessment</p>
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	<p>Material for any assessment to be taken for that qualification and for the awarding organisation to carry out such an Administrative Error Review.</p>
GCE(Pre-reform)9.2	<p>The arrangements may –</p> <ul style="list-style-type: none">(a) provide that where the Marked Assessment Material relates to an assessment which has been delivered by the Relevant Centre, any request for an Administrative Error Review must be made by the Relevant Centre (on the Learner’s behalf),(b) provide that the awarding organisation shall only carry out an Administrative Error Review on payment of a fee,(c) specify other requirements for the making of a request for an Administrative Error Review, provided that such requirements are reasonable, and(d) specify a date by which an Administrative Error Review must be requested.
GCE(Pre-reform)9.3	<p>Where the arrangements specify a date by which an Administrative Error Review must be requested, the date must –</p> <ul style="list-style-type: none">(a) be reasonable, taking into account –<ul style="list-style-type: none">(i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation’s arrangements, and(ii) the purpose of the GCE qualification, and(b) comply with any requirements which may be published by Ofqual and revised from time to time.
GCE(Pre-reform)9.4	<p>The arrangements must require that, on carrying out an Administrative Error Review –</p> <ul style="list-style-type: none">(a) where the awarding organisation has determined that the marking recorded in the Marked Assessment Material contains an Administrative Error, it must correct the effect of the Administrative Error,

	<p>(b) where the awarding organisation considers that the marking recorded in the Marked Assessment Material does not contain an Administrative Error, it must not make any change to the mark awarded,</p> <p>(c) where the outcome of the Administrative Error Review is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner's result, and</p> <p>(d) the awarding organisation reports the outcome of the Administrative Error Review to the Learner (or as the case may be the Relevant Centre), specifying any change in mark, any change in result and details of the nature of any Administrative Error which has been discovered.</p>
GCE(Pre-reform)9.5	<p>The arrangements must require that all Administrative Error Reviews will be carried out by persons who have appropriate competence and who have no personal interest in the outcome of the Administrative Error Review being carried out.</p>
GCE(Pre-reform)9.6	<p>An awarding organisation must publish the arrangements, including details of –</p> <p>(a) how an Administrative Error Review must be requested,</p> <p>(b) any date by which an Administrative Error Review must be requested,</p> <p>(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded, and</p> <p>(d) the target time period for the period following a request for an Administrative Error Review by which the awarding organisation will have reported the outcome of the Administrative Error Review to the Learner (or as the case may be the Relevant Centre).</p>

Condition GCE(Pre-reform)10 – Review of marking of Marked Assessment Material

GCE(Pre-reform)10.1 In respect of each GCE qualification which it makes available, or proposes to make available, an awarding organisation must establish, maintain and comply with arrangements in accordance with this condition for a request to be made by, or on behalf of, any Learner for the awarding organisation to carry out a review of marking of the Learner's Marked Assessment Material for any assessment to be taken for that qualification and for the awarding organisation to carry out such a review.

GCE(Pre-reform)10.2 The arrangements may –

- (a) provide that where Marked Assessment Material relates to an assessment which has been delivered by the Relevant Centre, any request for a review of marking of the Marked Assessment Material must be made by the Relevant Centre (on the Learner's behalf),
- (b) provide that the awarding organisation shall only carry out a review of marking on payment of a fee,
- (c) specify other requirements for the making of a request for a review of marking, provided that such requirements are reasonable, and
- (d) specify a date by which a review of marking of Marked Assessment Material must be requested.

GCE(Pre-reform)10.3 Where the arrangements specify a date by which a review of marking of Marked Assessment Material must be requested, the date must –

- (a) be reasonable, taking into account –
 - (i) the date by which Marked Assessment Material may be made available to a Learner in accordance with the awarding organisation's arrangements, and
 - (ii) the purpose of the GCE qualification, and

	<p>(b) comply with any requirements which may be published by Ofqual and revised from time to time.</p> <p>GCE(Pre-reform)10.4 The arrangements must require that the Assessor carrying out a review of marking of Marked Assessment Material –</p> <p>(a) determines, in respect of each task in the assessment for which marks could have been awarded, whether the marking of the task included any Marking Error,</p> <p>(b) where the Assessor has determined that the marking of a task in the assessment did not include any Marking Error, makes no changes to the mark awarded for the task,</p> <p>(c) where the Assessor has determined that the mark awarded for a task in the assessment included a Marking Error, remarks the task to the extent necessary to correct the effect of the Marking Error but makes no other changes to the mark awarded for the task, and</p> <p>(d) documents the reasons for any determination and for any change of mark.</p>
<p>GCE(Pre-reform)10.5</p>	<p>The arrangements must require that –</p> <p>(a) all reviews of marking will be carried out by Assessors who have appropriate competence and who have no personal interest in the outcome of the review being carried out,</p> <p>(b) an Assessor who was previously involved in the marking of a task in an assessment in respect of a Learner must not be involved in a review of marking of the Learner’s Marked Assessment Material in respect of that task,</p> <p>(c) prior to carrying out any review of marking, each Assessor shall be provided with training on how to carry out a review of marking in accordance with this condition,</p> <p>(d) prior to carrying out a review of marking of any Marked Assessment Material, an Assessor shall be provided with a copy of the Marked Assessment Material and the criteria</p>

against which Learners' performance is differentiated,

(e) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are doing so in accordance with this condition,

(f) where an awarding organisation learns, through its monitoring or otherwise, that an Assessor is failing to carry out reviews of marking in accordance with this condition, it shall take all reasonable steps to correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure and ensure that the failure does not recur in the future,

(g) the awarding organisation shall monitor whether or not the Assessors who are carrying out reviews of marking are making determinations which are consistent over time and consistent with determinations made by each other,

(h) where an awarding organisation learns, through its monitoring or otherwise, that determinations are not being made consistently over time or between Assessors, it shall take all reasonable steps to promote consistency in the future,

(i) where the outcome of a review of marking is that there should be a change in mark, the awarding organisation makes any consequent change to the Learner's result, and

(j) the awarding organisation reports to the Learner (or as the case may be the Relevant Centre) both the outcome of the review of marking, specifying any change in mark and any change in result, and, either together with that outcome or later, the reasons documented by the Assessor carrying out the review.

GCE(Pre-reform)10.6 An awarding organisation must publish the arrangements, including details of –

(a) how a review of marking of Marked Assessment Material must be requested,

(b) any date by which a review of marking of Marked

Assessment Material must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded,

(d) the training which the awarding organisation will provide to Assessors prior to carrying out a review of marking,

(e) the monitoring which the awarding organisation will carry out of Assessors carrying out reviews of marking,

(f) the action which the awarding organisation will take where it learns that an Assessor is failing to carry out reviews of marking in accordance with this condition,

(g) the action which the awarding organisation will take where it learns that determinations are not being made consistently over time or between Assessors, and

(h) the target time period for the period following a request for a review of marking of Marked Assessment Material by which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre) and the target time period following such a request by which the awarding organisation will have also reported the reasons in respect of the review.

Application

GCE(Pre-reform)10.7 In respect of the arrangements for any review of marking requested before 1 March 2017, Condition GCE(Pre-reform)10.5(j) shall be replaced with *'the awarding organisation shall –*

(i) report to the Learner (or as the case may be the Relevant Centre) the outcome of the review of marking, specifying any change in mark and any change in result, and

(ii) where requested, promptly report to the Learner (or as the case may be the Relevant Centre) the reasons

documented by the Assessor carrying out the review, provided that the awarding organisation may specify a reasonable time period following the reporting of the outcome of the review during which such a request must be received'.

GCE(Pre-reform)10.8 Until 1 March 2017 –

(a) Condition GCE(Pre-reform)10.6(b) shall be replaced with '*any date by which a review of marking of Marked Assessment Material must be requested and any time period during which a request for the reporting of reasons in respect of the review must be received*', and

(b) Condition GCE(Pre-reform)10.6(h) shall be replaced with '*the target time period for the period following a request for a review of marking of Marked Assessment Material by which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre)*'.

Condition GCE(Pre-reform)11 – Appeals process for GCE (Pre-reform) qualifications

GCE(Pre-reform)11.1 In respect of each GCE qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.

GCE(Pre-reform)11.2 In respect of each GCE qualification which it makes available, or proposes to make available, in addition to the other arrangements required by the GCE (Pre-reform) Qualification Level Conditions, the awarding organisation must establish, maintain and comply with an appeals process in accordance with this condition, which must provide for the appeal of –

(a) the outcome of any Moderation of a Centre's marking of an assessment, following a review of Moderation in respect of that marking,

(b) the result for any assessment in respect of a Learner,

following a review of marking of Marked Assessment Material in respect of that assessment,

(c) decisions regarding Reasonable Adjustments and Special Consideration, and

(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

GCE(Pre-reform)11.3 The appeals process may –

(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,

(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and

(c) specify a time period during which an appeal must be requested.

GCE(Pre-reform)11.4 Where the arrangements specify a time period during which an appeal must be requested, the time period must –

(a) be reasonable, and

(b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCE(Pre-reform)11.5 The appeals process must provide for –

(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,

(b) all appeal decisions to be taken by persons who were not previously involved in any marking, Moderation, review of marking of Marked Assessment Material or review of Moderation regarding an assessment in respect of a Learner to which the appeal relates,

(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not

	<p>an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and</p> <p>(d) the awarding organisation to report the outcome of an appeal to the Learner (or as the case may be the Relevant Centre), detailing the reasons for that outcome.</p>
GCE(Pre-reform)11.6	<p>The appeals process must not allow a specified level of attainment which has been set for the GCE qualification to be changed.</p>
GCE(Pre-reform)11.7	<p>For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation –</p> <p>(a) on the basis that the Moderation (or as the case may be the review of Moderation) included a Moderation Error, and</p> <p>(b) on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any exercise of academic judgment in relation to the outcome of Moderation shall not constitute the application of or following of a procedure.</p>
GCE(Pre-reform)11.8	<p>For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide for any request for an appeal of the outcome of Moderation of a Centre's marking of an assessment to be made by the Centre.</p>
GCE(Pre-reform)11.9	<p>For the purposes of Condition GCE(Pre-reform)11.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results –</p> <p>(a) on the basis that the marking of the assessment (or as the case may be the review of marking of Marked Assessment Material) included a Marking Error, and</p> <p>(b) on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these</p>

purposes –

(i) any procedures in respect of the setting of specified levels of attainment for the GCE qualification shall be excluded, and

(ii) any exercise of academic judgment in relation to the awarding of marks shall not constitute the application of or following of a procedure.

GCE(Pre-reform)11.10 For the purposes of Conditions GCE(Pre-reform)11.2(b) to GCE(Pre-reform)11.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by the Relevant Centre, any request for an appeal relating to that assessment must be made by the Relevant Centre (on the Learner's behalf).

GCE(Pre-reform)11.11 An awarding organisation must publish information on the appeals process which it has in place to enable results of assessments and outcomes of Moderation to be appealed, including details of –

(a) how any request for an appeal must be made,

(b) any time period during which an appeal must be requested,

(c) any fee which is payable as part of the arrangements, the circumstances in which such a fee will be charged and any circumstances in which such a fee will be refunded,

(d) the target time period following a request for an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(e) the target time period following receipt of all evidence in respect of an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).

Application

GCE(Pre-reform)11.12 In respect of each GCE qualification which is made available by an awarding organisation which is not a Pilot GCE Qualification, until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCE(Pre-reform)11.7 shall be replaced with *'For the purposes of Condition GCE(Pre-reform)11.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly', and*

(b) Condition GCE(Pre-reform)11.9 shall be replaced with *'For the purposes of Condition GCE(Pre-reform)11.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes any procedures in respect of the setting of specified levels of attainment for the GCE qualification shall be excluded'.*

GCE(Pre-reform)11.13 Any such notice issued by Ofqual may be –

(a) issued in respect of one or more GCE qualifications, and

(b) varied by Ofqual at any time prior to the date specified in or determined under it.

Condition GCE(Pre-reform)12 – Centre decisions relating to Review Arrangements

GCE(Pre-reform)12.1 In respect of each GCE qualification which it makes available, where an awarding organisation's arrangements provide that –

(a) a request for Marked Assessment Material to be made

available,

(b) a request for an Administrative Error Review to be carried out,

(c) a request for a review of marking of Marked Assessment Material to be carried out,

(d) a request for an appeal of the result for an assessment,

(e) a request for an appeal of a decision regarding Reasonable Adjustments or Special Consideration, or

(f) a request for an appeal of a decision relating to action taken against a Learner following an investigation into malpractice or maladministration,

must be made by a Relevant Centre on a Learner's behalf, the awarding organisation must take all reasonable steps to ensure that the Relevant Centre has in place effective arrangements for the Learner to apply to the Relevant Centre for it to make such a request and for the Learner to appeal a Relevant Centre's decision that such a request should not be made.

GCE(Pre-reform)12.2 For the purposes of this condition, an awarding organisation must take all reasonable steps to ensure that –

(a) the Relevant Centre makes Learners aware of the arrangements it has in place prior to the issue of results in respect of the assessment, and

(b) the Relevant Centre provides Learners with a copy of the arrangements promptly when requested.

Condition GCE(Pre-reform)13 – Target performance in relation to Review Arrangements and appeals process

GCE(Pre-reform)13.1 In respect of each GCE qualification which it makes available, or proposes to make available, where an awarding organisation's arrangements provide for it to

make a Learner's Marked Assessment Material available to the Learner on request, it must set a target time period for the period following such a request by which it will have made the Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre).

GCE(Pre-reform)13.2

In respect of each GCE qualification which it makes available, or proposes to make available, an awarding organisation must set target time periods for –

(a) the period following a request for a review of Moderation undertaken by the awarding organisation by which the awarding organisation will have reported the outcome of the review of Moderation to the Centre,

(b) the period following a request for such a review of Moderation by which the awarding organisation will have reported both the outcome of the review of Moderation and the reasons in respect of the review to the Centre,

(c) the period following a request for an Administrative Error Review by which the awarding organisation will have reported the outcome of the Administrative Error Review to the Learner (or as the case may be the Relevant Centre),

(d) the period following a request for a review of marking of Marked Assessment Material by which the awarding organisation will have reported the outcome of the review of marking to the Learner (or as the case may be the Relevant Centre),

(e) the period following a request for such a review of marking by which the awarding organisation will have reported both the outcome of the review of marking and the reasons in respect of the review to the Learner (or as the case may be the Relevant Centre),

(f) the period following a request for an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and

(g) the period following receipt of all evidence in respect of

	an appeal by which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).
GCE(Pre-reform)13.3	Any target time period which an awarding organisation has set in respect of a GCE qualification must comply with any requirements which may be published by Ofqual and revised from time to time.
GCE(Pre-reform)13.4	An awarding organisation must take all reasonable steps to meet the target time periods which it has set in respect of a GCE qualification.
Application	
GCE(Pre-reform)13.5	Condition GCE(Pre-reform)13.2(e) shall not apply to an awarding organisation until 1 March 2017.

Condition GCE(Pre-reform)14 – Reporting of data relating to Review Arrangements and appeals process

- GCE(Pre-reform)14.1 In respect of each GCE qualification which it makes available, an awarding organisation must prepare and publish a report in respect of each year detailing, in respect of that year –
- (a) the number of reviews of Moderation which the awarding organisation has carried out and the number of reviews which have led to a change in the outcome of Moderation,
 - (b) the nature of any Moderation Errors which have led to a change in the outcome of Moderation,
 - (c) the number of Administrative Errors, the effect of which the awarding organisation has corrected (whether or not as part of an Administrative Error Review),
 - (d) the number of Administrative Error Reviews which the awarding organisation has carried out, the number of Administrative Error Reviews which have led to a change of mark and the number of Administrative Error Reviews

which have led to a change of result,

(e) the nature of the Administrative Errors which have been discovered and any steps which the awarding organisation proposes to take to reduce the number of Administrative Errors,

(f) the number of reviews of marking which the awarding organisation has carried out, the number of reviews of marking which have led to a change of mark and the number of reviews of marking which have led to a change of result,

(g) the nature of any Marking Errors which have led to a change of mark on a review of marking and any steps which the awarding organisation proposes to take to reduce Marking Errors,

(h) any changes which the awarding organisation has made to its Review Arrangements following the monitoring of reviews of Moderation and reviews of marking which the awarding organisation has carried out,

(i) the number of appeals which the awarding organisation has conducted and the number of appeals which have been successful, and

(j) the nature of Marking Errors, Moderation Errors and failures to apply procedures consistently or to follow procedures properly and fairly which have led to an appeal being successful.

GCE(Pre-reform)14.2 The report which an awarding organisation publishes for the purposes of Condition GCE(Pre-reform)14.1 must include, in respect of the year to which the report relates –

(a) the number of Marked Assessment Materials which have been made available following a request during any target time period and the number of Marked Assessment Materials which have been made available outside any such target time period,

(b) the number of times it has reported the outcome of a review of Moderation during the target time period and the

number of times it has failed to do so,

(c) the number of times it has reported both the outcome of a review of Moderation and the reasons in respect of the review during the target time period and the number of times it has failed to do so,

(d) the number of times it has reported the outcome of an Administrative Error Review during the target time period and the number of times it has failed to do so,

(e) the number of times it has reported the outcome of a review of marking during the target time period and the number of times it has failed to do so,

(f) the number of times it has reported both the outcome of a review of marking and the reasons in respect of the review during any target time period and the number of times it has failed to do so, and

(g) the number of times it has reported the outcome of an appeal during the target time period for such reporting following the receipt of all evidence in respect of the appeal and the number of times it has failed to do so.

GCE(Pre-reform)14.3 An awarding organisation must ensure that the report prepared in accordance with Condition GCE(Pre-reform)14.1 –

(a) complies with any requirements in relation to the content or the presentation of the report which may be published by Ofqual and revised from time to time, and

(b) is published by any date which has been specified by Ofqual in advance.

Condition GCE(Pre-reform)15 – Review Arrangements and certificates

GCE(Pre-reform)15.1 In respect of each GCE qualification which it makes available, an awarding organisation must take all reasonable steps, including having procedures in place, to ensure that it revokes any certificate if the result on the

certificate is revealed to be inaccurate as a consequence of the application of the awarding organisation's Review Arrangements in the case of a Learner.

Condition GCE(Pre-reform)16 – Discovery of failure in assessment processes

- GCE(Pre-reform)16.1 Where the application of the awarding organisation's Review Arrangements or the application of an appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to –
- (a) identify any other Learner who has been affected by the failure,
 - (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
 - (c) ensure that the failure does not recur in the future.

Condition GCE(Pre-reform)17 – Publication of Review Arrangements and appeals process

- GCE(Pre-reform)17.1 In respect of each GCE qualification which it makes available, or proposes to make available, the information which the awarding organisation publishes on its Review Arrangements and on the appeals process it has in place must enable Learners and Centres to have –
- (a) a reasonable understanding of the Review Arrangements and the appeals process, and
 - (b) a reasonable understanding of how the Review Arrangements and the appeals process relate to each other.
- GCE(Pre-reform)17.2 An awarding organisation must take all reasonable steps to ensure that information which it publishes on its Review Arrangements and its appeals process for a GCE

qualification is published sufficiently far in advance of the time at which the qualification to which they relate will be made available to Learners to satisfy the reasonable planning requirements of potential purchasers.

In addition to the above Conditions, we propose to revise the proposed Condition² on Interpretation as follows:

Condition GCE(Pre-reform)18 – Interpretation and Definitions

GCE(Pre-reform)18.1 The rules of interpretation and definitions outlined in General Condition J1 shall apply to the GCE (Pre-reform) Qualification Level Conditions.

GCE(Pre-reform)18.2 Except in the circumstances described in Condition GCE(Pre-reform)18.3, 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)18.3 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 GCE (Pre-reform) Qualification Level Condition and is not obliged to comply with the requirement of the General Condition of Recognition.

GCE(Pre-reform)18.4 In these Conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

Administrative Error

An error in the marking of an assessment which is either –

² Taking into account the above new Conditions, the proposed Condition would be renumbered as Condition GCE(Pre-reform)18.

- (a) a failure to mark a task forming part of the assessment, or
- (b) a failure to correctly calculate the total mark for the assessment from the marks which were awarded by the Assessor for the tasks forming part of the assessment.

Administrative Error Review

A review to determine whether the marking recorded in Marked Assessment Material contains an Administrative Error.

Marked Assessment Material

In relation to an assessment for a GCE qualification taken by a Learner, other than an assessment where evidence generated by a Learner is marked by a Centre, material comprising –

- (a) a copy of any evidence generated by the Learner in the assessment which is held by the awarding organisation or, where evidence generated by the Learner in the assessment is not held or cannot readily be copied, a representation of the evidence in another form,
- (b) a copy of the record of the awarding of marks by the Assessor when the evidence generated by the Learner was marked, and
- (c) a copy of any comments which the Assessor recorded during the marking of the evidence generated by the Learner.

Marking Error

The awarding of a mark for a task which could not reasonably have been awarded given the evidence generated by the Learner, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to marking, including in particular where the awarding of a mark is based on –

- (a) an Administrative Error,
- (b) a failure to apply such criteria and procedures to the evidence generated by the Learner where that failure did not involve the exercise of academic judgment, or

- (c) an unreasonable exercise of academic judgment.

Moderation Error

The arrival at an outcome of Moderation which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the Centre's marking of that evidence, the criteria against which Learners' performance is differentiated and any procedure of the awarding organisation in relation to Moderation, including in particular where the arrival at an outcome of Moderation is based on –

- (a) an Administrative Error,
- (b) a failure to apply such criteria and procedures to the evidence generated by Learners, where that failure did not involve the exercise of academic judgment, or
- (c) an unreasonable exercise of academic judgment.

Pilot GCE Qualification

A GCE A level qualification which is a GCE A level qualification in Geography, a GCE A level qualification in Mathematics or a GCE A level qualification in Religious Studies.

Relevant Centre

In relation to a Learner, a Centre which –

- (a) has purchased the GCE qualification (on behalf of the Learner), and
- (b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

Review Arrangements

In relation to a GCE qualification, the arrangements which an awarding organisation is required to establish, maintain and comply with in accordance with –

- (a) Condition GCE(Pre-reform)7 (*Review of Moderation*),
- (b) Condition GCE(Pre-reform)8 (*Making Marked Assessment Materials available to Learners*),

- (c) Condition GCE(Pre-reform)9 (*Administrative Error Review*),
and
- (d) Condition GCE(Pre-reform)10 (*Review of marking of Marked Assessment Material*).