

Qualification Level Conditions for GCSE (9 to 1)

The Conditions that we have decided to put in place to implement the proposals for GCSE (9 to 1) qualifications are set out below.

These new Conditions will be introduced at 00.01 on Thursday 25 August 2016.

Condition GCSE10¹ – Marking arrangements

GCSE10.1 In respect of each GCSE Qualification which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide 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 the 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 –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) ensure that the failure does not recur in the future,

¹ The new Conditions will follow on from the GCSE (9 to 1) Qualification Level Conditions which are currently in force and from a proposed Condition on Standard Setting, but before the Condition on Interpretation and Definitions.

(e) the awarding organisation shall monitor whether or not the criteria against which the Learners' performance is differentiated are being applied consistently by Assessors, and

(f) where the awarding organisation learns, through its monitoring or otherwise, that the criteria against which the Learners' performance is differentiated are not being applied consistently by Assessors, it shall take all reasonable steps to promote consistency in the future.

GCSE10.2 In respect of each GCSE Qualification which it makes available where an assessment is marked by a Centre, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H1.1 provide that prior to the marking of the assessment the awarding organisation makes available training to the Centre.

GCSE10.3 In respect of each GCSE Qualification which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with General Condition C1.1(b) includes monitoring of whether or not Assessors are marking in a manner which is compliant with the awarding organisation's Conditions of Recognition.

Condition GCSE11 – Moderation arrangements

GCSE11.1 In respect of each GCSE Qualification involving Moderation which it makes available, an awarding organisation must ensure that the arrangements which are in place in accordance with General Condition H2.1 provide that –

(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,

(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,

(c) prior to carrying out any Moderation, each person tasked with carrying out such Moderation shall be provided with training,

(d) prior to carrying out any Moderation, a person tasked with carrying out such Moderation shall be provided with a copy of –

(i) any evidence generated by Learners which is to be considered for the purpose of Moderation or, where such evidence is not held or cannot readily be copied, a representation of the evidence in another form,

(ii) the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) any comments which Assessors recorded during the marking of that evidence, and

(iv) 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 –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) 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.

GCSE11.2 In respect of each GCSE Qualification involving Moderation which it makes available, an awarding organisation must ensure that the monitoring which is carried out in accordance with 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 GCSE12 – Review of marking of centre-marked assessments

GCSE12.1 In respect of each GCSE Qualification which it makes available or proposes to make available where an assessment is marked by a Centre, an awarding organisation must –

(a) ensure that the agreement which is required to be in place between it and the Centre in accordance with General Condition C2.2 includes the provisions required by this condition, and

(b) take all reasonable steps to ensure that the Centre complies with those provisions.

GCSE12.2 For the purposes of this condition, the agreement must include provisions which require the Centre to –

(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 that Learner and for such a review to be carried out,

(b) issue to each Learner the results for each assessment in respect of that Learner which has been marked by the Centre, so as to allow a reasonable time period for the Learner to consider whether to request a review of the Centre's marking of that assessment,

(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,

(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,

(e) ensure that the arrangements in place for the review of the Centre's marking provide that all such reviews 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,

(f) ensure that an Assessor who was previously involved in 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 the arrangements in place for the review of the Centre's marking of an assessment require the Assessor carrying out the review to correct the effect of any Marking Error in the marking of the assessment,

(h) ensure that the 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 the 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 the time by which 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 statement of the arrangements in place for the Learner to request a review of the Centre's marking and provide such a statement promptly when requested.

GCSE12.3 In respect of each GCSE 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 the time by which marks for the assessment and materials in respect of the assessment must be provided to it to enable it to undertake Moderation.

Application

GCSE12.4 Conditions GCSE12.2(b) to GCSE12.2(i) and Condition GCSE12.3 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.

GCSE12.5 Any such notice published by Ofqual may be –

- (a) issued in respect of one or more of Conditions GCSE12.2(b) to GCSE12.2(i) and Condition GCSE12.3,
- (b) issued in respect of one or more GCSE Qualifications, and
- (c) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition GCSE13 – Notification of Moderation outcome

GCSE13.1 In respect of each GCSE 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.

GCSE13.2 The notification which an awarding organisation provides for the purposes of Condition GCSE13.1 must specify the reasons for the outcome of Moderation.

Condition GCSE14 – Review of Moderation

GCSE14.1 In respect of each GCSE 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.

- GCSE14.2 The arrangements may –
- (a) provide that the awarding organisation shall only carry out a review of Moderation on payment of a fee,
 - (b) specify other requirements for the making of a request for a review of Moderation, provided that such requirements are reasonable, and
 - (c) specify a date by which a review of Moderation must be requested.
- GCSE14.3 Where the arrangements specify a date by which a review of Moderation must be requested, the date must –
- (a) be reasonable, taking into account –
 - (i) the date by which a Centre may be notified of the outcome of Moderation in accordance with the awarding organisation's arrangements, and
 - (ii) the purpose of the GCSE Qualification, and
 - (b) comply with any requirements which may be published by Ofqual and revised from time to time.
- GCSE14.4 The arrangements must provide that, on carrying out a review of Moderation –
- (a) the awarding organisation shall determine, in respect of the Moderation it undertook of the Centre's marking of the assessment, whether the Moderation included any Moderation Error,
 - (b) where the awarding organisation has determined that the Moderation did not include any Moderation Error, it shall make no changes to the outcome of Moderation,
 - (c) where the awarding organisation has determined that the Moderation included a Moderation Error, it shall make changes to the outcome of the Moderation to the extent necessary to correct the effect of the Moderation Error, but shall make no other changes to the outcome of Moderation, and

(d) the awarding organisation shall document the reasons for any determination and for any change to the outcome of Moderation.

GCSE14.5 The arrangements must provide that –

(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,

(b) a person who was previously involved in the Centre's marking of an assessment or in Moderation in respect of that marking must not be involved in a review of Moderation in respect of that marking,

(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,

(d) prior to carrying out a review of Moderation, a person tasked with carrying out such a review shall be provided with –

(i) a copy of any evidence generated by Learners (or any representation of such evidence) which was considered for the purpose of the Moderation,

(ii) a copy of the record of the awarding of marks made by Assessors when that evidence was marked,

(iii) a copy of any comments which Assessors recorded during the marking of that evidence,

(iv) a copy of the criteria against which Learners' performance is differentiated, and

(v) the outcome of Moderation and the reasons for that outcome,

(e) the awarding organisation shall monitor whether or not reviews of Moderation are being carried out in accordance with this condition,

(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 –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) 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 reviews of Moderation are making determinations which are consistent over time and consistent with determinations made by each other,

(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 reviews of Moderation, it shall take all reasonable steps to promote consistency in the future,

(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

(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.

GCSE14.6 The arrangements must, following the awarding organisation's notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(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

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update

marks and (where appropriate) results promptly to correct the effect of any error which is identified.

GCSE14.7

An awarding organisation must publish a statement of the arrangements, including details of –

- (a) how a review of Moderation must be requested,
- (b) any date by which a review of Moderation must be requested,
- (c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may 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 for the time period following a request for a review of Moderation within which the awarding organisation will have reported the outcome of the review to the Centre and the target for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

Application

GCSE14.8

Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCSE14.6 shall be replaced with '*The arrangements must,*

following the awarding organisation's notification of the outcome of the review of Moderation, provide for –

(a) marks and (where appropriate) results to be updated promptly to take into account any change in the outcome of Moderation,

(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

(c) reasonable steps to be taken to identify any other assessment, in relation to which there has been a similar error and to update marks and (where appropriate) results promptly to correct the effect of any error which is identified,

provided that a Learner's result shall not be updated so as to lower that result'.

GCSE14.9 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCSE Qualifications, and

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

Condition GCSE15 – Making Marked Assessment Materials available to Learners

GCSE15.1 In respect of each GCSE 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 Learner's Marked Assessment Material in respect of any assessment for that qualification to be made available to –

(a) the Learner, or

(b) where the assessment has been delivered by a Relevant Centre, either the Learner or the Relevant Centre (on the Learner's behalf).

GCSE15.2 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 a Relevant Centre, by either the Learner or the Relevant Centre,

(b) provide that the awarding organisation shall make available Marked Assessment Material only on payment of a fee,

(c) provide that the awarding organisation shall make available Marked Assessment Material only on request,

(d) provide that, where the assessment has been delivered by a 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.

GCSE15.3 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.

GCSE15.4 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

(b) by which a request for Marked Assessment Material to be made available must be received,

	must comply with any requirements which may be published by Ofqual and revised from time to time.
GCSE15.5	The arrangements must provide 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.
GCSE15.6	<p>An awarding organisation must publish a statement of 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 any such fee will be charged, and the circumstances in which any such fee may 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 for the time period following a request within which the awarding organisation will have made Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre).</p> <p>Application</p>
GCSE15.7	Condition GCSE15.3 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.
GCSE15.8	<p>Any such notice published by Ofqual may be –</p> <p>(a) issued in respect of one or more GCSE Qualifications, and</p> <p>(b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.</p>

Condition GCSE16 – Administrative Error Review

GCSE16.1 In respect of each GCSE 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 that Learner's Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such an Administrative Error Review.

GCSE16.2 The arrangements may –

- (a) provide that where the Marked Assessment Material relates to an assessment which has been delivered by a 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.

GCSE16.3 Where the arrangements specify a date by which an Administrative Error Review 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 GCSE Qualification, and
- (b) comply with any requirements which may be published by Ofqual and revised from time to time.

GCSE16.4 The arrangements must provide that, on carrying out an Administrative Error Review –

(a) where the awarding organisation has determined that the marking recorded in the Marked Assessment Material contains an Administrative Error, it shall correct the effect of the Administrative Error,

(b) where the awarding organisation considers that the marking recorded in the Marked Assessment Material does not contain an Administrative Error, it shall not make any change to the mark awarded,

(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

(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.

GCSE16.5 The arrangements must provide 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.

GCSE16.6 An awarding organisation must publish a statement of the arrangements, including details of –

(a) how an Administrative Error Review must be requested,

(b) any date by which an Administrative Error Review must be requested,

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

(d) the target for the time period following a request for an Administrative Error Review within 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).

Condition GCSE17 – Review of marking of Marked Assessment Material

GCSE17.1 In respect of each GCSE 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 that Learner's Marked Assessment Material for any assessment for that qualification and for the awarding organisation to carry out such a review.

GCSE17.2 The arrangements may –

(a) provide that where Marked Assessment Material relates to an assessment which has been delivered by a 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 of Marked Assessment Material 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 must be requested.

GCSE17.3 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 GCSE Qualification, and

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

GCSE17.4 The arrangements must provide that, on carrying out a review of marking of Marked Assessment Material –

(a) the Assessor shall determine, in respect of each task in the assessment for which marks could have been awarded, and in respect of the assessment as a whole, whether the marking included any Marking Error,

(b) where the Assessor has determined that the marking of the assessment did not include any Marking Error, the Assessor shall make no changes to the mark awarded,

(c) where the Assessor has determined that the marking of the assessment included a Marking Error, the Assessor shall correct the effect of the Marking Error but make no other changes to the mark awarded, and

(d) the Assessor shall document the reasons for any determination and for any change of mark.

GCSE17.5 The arrangements must provide that –

(a) all reviews of marking of Marked Assessment Material 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,

(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,

(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,

(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 a copy of the criteria 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 the 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 –

(i) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and

(ii) 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 the 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.

GCSE17.6

An awarding organisation must publish a statement of 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 must be requested,

- (c) any fee which is payable as part of the arrangements, the circumstances in which any such fee will be charged, and the circumstances in which any such fee may 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 for the time period following a request for a review of marking within 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 for the time period following such a request within which the awarding organisation will have also reported the reasons in respect of the review.

Application

GCSE17.7 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCSE17.5(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, 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',

(b) Condition GCSE17.6(b) shall be replaced with '*any date by which a review of marking 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

(c) Condition GCSE17.6(h) shall be replaced with '*the target for the time period following a request for a review of marking within which the awarding organisation will have reported the outcome of the review to the Learner (or as the case may be the Relevant Centre)*'.
NOT IN FORCE UNTIL 00:01 ON 25/8/16

GCSE17.8 Any such notice published by Ofqual may be –

(a) issued in respect of one or more GCSE Qualifications, and

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

Condition GCSE18 – Appeals process for GCSE Qualifications

GCSE18.1 In respect of each GCSE Qualification which an awarding organisation makes available, or proposes to make available, General Condition I1 (Appeals process) does not apply.

GCSE18.2 In respect of each GCSE Qualification which it makes available, or proposes to make available, in addition to the other arrangements which are required to be established, maintained and complied with in accordance with the GCSE Qualification Level Conditions, an 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,

	<p>(c) decisions regarding Reasonable Adjustments and Special Consideration, and</p> <p>(d) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.</p>
GCSE18.3	<p>The appeals process may –</p> <p>(a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,</p> <p>(b) specify other requirements for the making of a request for an appeal, provided that such requirements are reasonable, and</p> <p>(c) specify a time period during which an appeal must be requested.</p>
GCSE18.4	<p>Where the arrangements specify a time period during which an appeal must be requested, the time period must –</p> <p>(a) be reasonable, and</p> <p>(b) comply with any requirements which may be published by Ofqual and revised from time to time.</p>
GCSE18.5	<p>The appeals process must provide for –</p> <p>(a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,</p> <p>(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,</p> <p>(c) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and</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.
GCSE18.6	The appeals process must not allow a specified level of attainment which has been set for the GCSE Qualification to be changed.
GCSE18.7	For the purposes of Condition GCSE18.2(a), the appeals process which an awarding organisation has in place must provide for the effective appeal of outcomes of Moderation on the basis – (a) that the Moderation (or as the case may be the review of Moderation) included a Moderation Error, and (b) 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 or following of a procedure.
GCSE18.8	For the purposes of Condition GCSE18.2(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.
GCSE18.9	For the purposes of Condition GCSE18.2(b), the appeals process which an awarding organisation has in place must provide for the effective appeal of results on the basis – (a) 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 (b) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, provided that for these purposes – (i) any procedures in respect of the setting of specified levels of attainment for the GCSE Qualification shall be excluded, and

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

GCSE18.10 For the purposes of Conditions GCSE18.2(b) to GCSE18.2(d), the appeals process which an awarding organisation has in place may provide that where an assessment has been delivered by a Relevant Centre, any request for an appeal in respect of a Learner relating to the assessment must be made by the Relevant Centre (on the Learner's behalf).

GCSE18.11 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 any such fee will be charged, and the circumstances in which any such fee may be refunded,

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

Application

GCSE18.12 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph –

(a) Condition GCSE18.7 shall be replaced with '*For the purposes of Condition GCSE18.2(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 GCSE18.9 shall be replaced with 'For the purposes of Condition GCSE18.2(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 GCSE Qualification shall be excluded'.

GCSE18.13 Until such date as is specified in, or determined under, any notice in writing published by Ofqual under this paragraph, Condition GCSE18.8 shall be replaced with *'For the purposes of Condition GCSE18.2(a), the appeals process which an awarding organisation has in place must provide –*

(a) 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, and

(b) that, following the outcome of an appeal, a Learner's result shall not be updated so as to lower that result'.

GCSE18.14 Any notice published by Ofqual under Condition GCSE18.12 or Condition GCSE18.13 may be –

(a) issued in respect of one or more GCSE Qualifications, and

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

Condition GCSE19 – Centre decisions relating to Review Arrangements

GCSE19.1 In respect of each GCSE 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.

GCSE19.2 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 statement of the arrangements promptly when requested.

Condition GCSE20 – Target performance in relation to Review Arrangements and appeals process

GCSE20.1 In respect of each GCSE 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 on request, it must set a target for the time period following such a request within which it will have made the Marked Assessment Material available to the Learner (or as the case may be the Relevant Centre).

GCSE20.2	<p>In respect of each GCSE Qualification which it makes available, or proposes to make available, an awarding organisation must set targets for each of the following time periods –</p> <p>(a) the period following a request for a review of Moderation undertaken by the awarding organisation within which the awarding organisation will have reported the outcome of the review of Moderation to the Centre,</p> <p>(b) the period following a request for such a review of Moderation within 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,</p> <p>(c) the period following a request for an Administrative Error Review within 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> <p>(d) the period following a request for a review of marking of Marked Assessment Material within 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),</p> <p>(e) the period following a request for such a review of marking within 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),</p> <p>(f) the period following a request for an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre), and</p> <p>(g) the period following receipt of all evidence in respect of an appeal within which the awarding organisation will have reported the outcome of the appeal to the Learner (or as the case may be the Centre).</p>
GCSE20.3	<p>Any target time period which an awarding organisation has set in respect of a GCSE Qualification must comply with any</p>

	requirements which may be published by Ofqual and revised from time to time.
GCSE20.4	An awarding organisation must take all reasonable steps to meet the target time periods which it has set in respect of a GCSE Qualification. Application
GCSE20.5	Condition GCSE20.2(e) 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.
GCSE20.6	Any such notice published by Ofqual may be – (a) issued in respect of one or more GCSE Qualifications, and (b) varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it.

Condition GCSE21 – Reporting of data relating to Review Arrangements and appeals process

GCSE21.1	In respect of each GCSE 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 of Marked Assessment Material 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.

GCSE21.2 The report which an awarding organisation publishes for the purposes of Condition GCSE21.1 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 of Marked Assessment Material 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.

GCSE21.3 An awarding organisation must ensure that the report prepared in accordance with Condition GCSE21.1 –

(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 GCSE22 – Review Arrangements and certificates

GCSE22.1 In respect of each GCSE 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 GCSE23 – Discovery of failure in assessment processes

- GCSE23.1 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 GCSE24 – Publication of Review Arrangements and appeals process

- GCSE24.1 In respect of each GCSE Qualification which it makes available, or proposes to make available, the information which an 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.
- GCSE24.2 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 GCSE 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.

Condition GCSE25 – Subject Level Conditions

GCSE25.1	An awarding organisation must not make available a GCSE Qualification in a subject for which Ofqual has not set and published any GCSE Subject Level Conditions.
----------	--

In addition to the above Conditions, we have decided to amend the relevant Condition² on Interpretation and Definitions to introduce the following new definitions at 00.01 on Thursday 25 August 2016:

Administrative Error

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

- (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 GCSE 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,

² For new GCSEs, the relevant Condition is currently Condition GCSE 9.4. Taking into account the above new Conditions and the proposed Condition on Standard Setting, it will be renumbered as Condition GCSE26.4.

- (b) a copy of the record of the awarding of marks made 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 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.

Relevant Centre

In relation to a Learner, a Centre which –

- (a) has purchased the GCSE 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 GCSE Qualification, the arrangements which an awarding organisation is required to establish, maintain and comply with in accordance with

–

- (a) Condition GCSE14 (*Review of Moderation*),
- (b) Condition GCSE15 (*Making Marked Assessment Materials available to Learners*),
- (c) Condition GCSE16 (*Administrative Error Review*), and
- (d) Condition GCSE17 (*Review of marking of Marked Assessment Material*).