

STATUTORY GUIDANCE

Project Qualification Level Guidance

April 2019

ofqual

Contents

Introduction	3
<i>About this document</i>	<i>3</i>
<i>Revisions to this document.....</i>	<i>3</i>
<i>Guidance set out in this document</i>	<i>3</i>
Guidance on setting specified levels of attainment for project qualifications	4
<i>Guidance on the general conduct of reviews and appeals</i>	<i>6</i>
<i>Expert reports.....</i>	<i>6</i>
<i>Personal interest</i>	<i>6</i>
<i>Reasons</i>	<i>7</i>
<i>Further opportunities for review or appeal</i>	<i>8</i>
Guidance on considering Marking Errors on a review or appeal	9
<i>Purpose of considering Marking Errors</i>	<i>10</i>
<i>Guidance on approach to considering Marking Errors.....</i>	<i>11</i>
<i>Guidance on academic judgment</i>	<i>12</i>
Guidance on Condition Project17 Discovery of failure in assessment processes	14
Appendix 1 - Revisions to this document.....	15

Introduction

About this document

This document is part of a suite of documents which outlines our guidance for awarding organisations offering project qualifications.

This document sets out guidance which applies to all project qualifications

This guidance supports the Project Qualification Level Conditions and Requirements.¹

This document constitutes guidance for the purposes of section 153 of the Apprenticeships, Skills, Children and Learning Act 2009 (the '2009 Act') and Condition Project3.1(b).

An awarding organisation has a legal obligation under the 2009 Act to have regard to this guidance in relation to each project qualification that it makes available or proposes to make available. Condition Project3.1(b) imposes the same obligation in respect of the guidance below which is issued under that Condition.

An awarding organisation should use the guidance to help it understand how to comply with the Project Qualification Level Conditions and associated requirements.

Revisions to this document

We have revised this document since it was originally published (see Appendix 1 for details), most recently in April 2019.

The April 2019 version of this document introduces new guidance on the general conduct of reviews and appeals. It replaces all previous versions of *Project Qualification Level Guidance* and comes into effect at 4pm on 24 April 2019.

Guidance set out in this document

This document provides guidance on setting specified levels of attainment for project qualifications.

It also includes guidance designed to help awarding organisations, schools and colleges understand how awarding organisations should determine whether there has been a Marking Error at either review or appeal.

¹ www.gov.uk/government/publications/project-qualification-level-conditions-and-requirements

Guidance on setting specified levels of attainment for project qualifications

Condition Project3.1(b) allows us to specify requirements and guidance in relation to the setting of specified levels of attainment for project qualifications.

We set out below our guidance for the purposes of Condition Project3.1(b).

Condition Project3.2 states that in setting the specified levels of attainment for a project qualification which it makes available, an awarding organisation must have regard to an appropriate range of qualitative and quantitative evidence.

Condition Project3.3 states that such evidence will only be appropriate if it includes evidence of –

- (a) the Level of Demand of the assessments for that qualification,
- (b) the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners taking that qualification,
- (c) the level of attainment demonstrated by Learners taking that qualification in a –
 - (i) prior assessment (which was not for that qualification), whether or not that assessment was for a regulated qualification, or
 - (ii) prior qualification, whether or not that qualification was a regulated qualification, and
- (d) the level of attainment demonstrated by Learners who have previously been awarded the qualification.

Examples of the evidence that may be used by an awarding organisation in setting the specified levels of attainment for a project qualification which it makes available may include –

- tasks and final mark schemes,
- senior Assessor input into decisions, for example comments on how the assessments have worked and recommendations for the setting of specified levels of attainment,
- technical information about how the assessments have functioned, for example mark distributions, mean marks, standard deviations,

- samples of current Learners' work selected from a range of Centres and assessed/Moderated by Assessors/moderators whose work is known to be reliable,
- details of changes in entry patterns and choices of options,
- archive Learners' work exemplifying specified levels of attainment in previous assessment series for the qualification, together with the relevant tasks and mark schemes,
- inter-awarding organisation screening data for project qualifications,
- pertinent material deemed to be of equivalent standard from any similar qualifications or other relevant qualifications,
- information on Learners' performance in previous assessment series, and
- marking guides for assessments where the evidence is of an ephemeral nature.

In determining whether it has sufficient evidence of the level of attainment demonstrated in the assessments for a project qualification by an appropriate percentage of the Learners taking that qualification, an awarding organisation should consider whether the marks on its system reflect a representative proportion of Learners' marks for the qualification.

Guidance on the general conduct of reviews and appeals

Awarding organisations are required to have in place arrangements for the review and appeal of marking and Moderation decisions in relation to the project qualifications which they make available.

We set out below guidance on some points in relation to how an awarding organisation should approach the conduct of –

- (a) a review of Moderation under Condition Project8,
- (b) an Administrative Error Review under Condition Project10,
- (c) a review of marking of Marked Assessment Materials under Condition Project11, and
- (d) an appeal in relation to Moderation or marking under Condition Project12.

This guidance is intended to relate to the process adopted by an awarding organisation and – in relation to Conditions Project11 and Project12, where relevant – it should be read alongside our guidance on the substantive consideration of whether or not a Marking Errors exists, as well as our 'Guidance on making changes to incorrect results' which forms part of the *Guidance to the General Conditions of Recognition*.²

Expert reports

As part of its review and appeal process, an awarding organisation can request expert evidence to assist with its determination. For example, it may request a report from a senior examiner.

However, where the senior examiner is not the actual decision-maker, the decision-maker should not uncritically accept the report without scrutinising its findings and challenging them where appropriate. Such an uncritical acceptance would be to delegate the making of the decision to the senior examiner preparing the report.

Such a report is one piece of evidence among others and, although it will be for the decision-maker to decide the weight to be accorded to it, that decision must be made consciously in each case applying the decision-maker's own judgment.

Personal interest

Our conditions state that reviews and appeals should not be conducted by anyone with a personal interest in the outcome of a review or appeal.

A personal interest is a conflict of interest that relates to a particular individual. As such it falls within the definition of a conflict of interest in Condition A4.1(b) and (c).

A personal interest can be financial or non-financial in nature. So, for example, where a person carrying out an Administrative Error Review is related to the Learner

² <https://www.gov.uk/guidance/ofqual-handbook/section-h-from-marking-to-issuing-results>

who has completed the assessment, or to the original Assessor who marked it, that will be a personal interest and precluded by Condition Project10.6. Likewise, where a person's salary is related to the number of Administrative Errors that he or she does, or does not, identify during reviews, that too would be a personal interest.

The relevant question to ask is whether the person carrying out the review has any reason to make anything other than a decision made in good faith in line with the relevant conditions, or whether an informed and reasonable observer would conclude that such a reason exists.

Reasons

Conditions Project7, Project8, Project11 and Project12 require an awarding organisation to give reasons for its determinations on reviews and appeals.

The provision of reasons is important in a number of respects. The discipline of providing reasons may serve to improve the quality of decisions by focusing the mind of the decision-maker. Robust reasons will also promote public confidence in the standards set in regulated qualifications, and may assist a Centre or Learner to more readily accept the awarding organisation's determination. Importantly, by allowing the Centre or Learner to make an informed decision as to whether it has good grounds to disagree with a determination, the provision of reasons supports any opportunity to request a further review or appeal.

The reasons provided by an awarding organisation should be adequate to fulfil these functions. What is adequate will depend on the context, including the type of issues raised in the request, the nature of the assessment and the type of review or appeal. However, we will expect any reasons provided by an awarding organisation to display the following basic attributes –

- (a) Reasons must be proper, adequate and intelligible.
- (b) Reasons must engage with any issues raised in the request for the review or appeal and allow the Centre or Learner to understand why a particular concern has not been accepted.
- (c) Reasons do not need to be lengthy but should allow the Centre or Learner to understand what conclusions have been reached, including on any principal important issues raised in the request.
- (d) Reasons should refer to the mark scheme, where appropriate. It will be insufficient to simply state that a Learner has not included certain material in his or her response to a task without showing how the inclusion of that material is required by the mark scheme.
- (e) Where an expert report is relied on, the reasons must outline what weight has been accorded to that report, and why.
- (f) There is no requirement for reasons to be recorded in a particular form. For example, for certain reviews, annotations on a script could be compliant with the requirement to provide reasons. However, in whatever form they are presented there must be sufficient detail to make the reasons clear.

Further opportunities for review or appeal

When providing its determination on a review or appeal to a Centre or Learner, an awarding organisation should clearly set out any further opportunity for review or appeal. Where such a further opportunity exists, an awarding organisation should not give the impression that its determination is necessarily the final part of the process.

Guidance on considering Marking Errors on a review or appeal

Awarding organisations which make available project qualifications are required to have in place arrangements for the review and appeal of marking and Moderation decisions. In relation to marking, an awarding organisation is required to have in place arrangements:

- for the review of the marking undertaken by the awarding organisation (Condition Project11), and
- for the appeal of the result of an assessment following a review (Condition Project12).

Anybody carrying out such a review must consider the original mark given by a trained Assessor and only make a change to the mark where the marking of the assessment included a Marking Error (as defined in Condition Project19). An appeal may be brought on the basis that the marking (either in the original marking or on review) included a Marking Error, as well as on procedural grounds.³

A Marking Error is defined as:

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 [as defined in Condition Project19],
- (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.

We set out our guidance for the purposes of these Conditions below. This comprises both general guidance on the purpose of the provisions and guidance on how we expect awarding organisations to approach the consideration of whether there has been a Marking Error.

Condition Project6 contains similar provisions relating to arrangements (which awarding organisations are required to secure) for the review of the marking of

³ Appeals may be brought on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Such appeals on procedural grounds are not covered in this guidance.

Centre-marked assessments. These arrangements must require that where there has been a Marking Error, the Marking Error must be corrected.⁴

In addition to this, Conditions Project8 and Project12 contain similar provisions relating to arrangements for the review of Moderation of a Centre's marking undertaken by the awarding organisation and appeals of the outcome of Moderation following a review. Anybody carrying out such a review must only make a change to the outcome of Moderation where the Moderation included a Moderation Error (which has a definition in Condition Project19 which is similar to the definition of Marking Error). An appeal may be brought on the basis that the Moderation included a Moderation Error, as well as on procedural grounds.

Below, we refer only to reviews of marking and appeals and the consideration of Marking Errors. However, the principles in our guidance apply to the consideration of Marking Errors in Centre-marked assessments and to the consideration of Moderation Errors (on a review or appeal⁵).

Purpose of considering Marking Errors

A review or appeal may identify that there had been errors in the marking. Examples of this could include a clear and unambiguous failure to properly apply the mark scheme or the identification of unmarked creditworthy material. Such errors must be corrected.

However, for many assessments, it is a misunderstanding to say that Learners have always been either given a 'right mark' or a 'wrong mark'. This is because those assessments require Assessors to use their academic judgment in deciding what mark to award.

It will often be the case that two trained Assessors, exercising their academic judgment reasonably and without making any mistake, would award different marks to the same Learner's answer. Following a review or an appeal, one such mark should not be replaced with another such mark, simply because those carrying out the review or the appeal would have given a different mark if they were the original Assessor. We do not consider that one such mark should be replaced with another (often higher) mark, as then Learners who request a review or appeal would be unfairly advantaged over those who do not.

A review or appeal should not be an opportunity for a Learner to have a second go at getting a better mark. Such a review or appeal should only adjust a mark where there has been a Marking Error.

⁴ This requirement will not come into force until 1 September 2017.

⁵ Until such a date as is specified in, or determined under, a notice published by Ofqual, reviews or appeals considering Moderation Errors must not lead to a Learner's result being updated so as to lower that result.

Guidance on approach to considering Marking Errors

On any review of marking (in line with Condition Project11.4 and the definition of Marking Error in Condition Project19) the Assessor carrying out the review must consider (in respect of each task in the assessment and the assessment as a whole) whether or not the original mark awarded could reasonably have been awarded. The definition of Marking Error does not set out an exhaustive list of what would constitute unreasonable marking and the Assessor must consider whether there has been such marking in each individual case.

However, the Assessor should take the following steps for each task in the assessment:

- Determine whether there has been an Administrative Error in the marking, such as a failure to mark a Learner's response to a task, and correct any such error.
- Determine whether the task is one where there are only 'right' and 'wrong' marks or one where Assessors are required to exercise their academic judgment. If there are only 'right' and 'wrong' marks, determine whether the 'right' mark was given. Where the 'right' mark was not given, correct the mark. Otherwise, make no change to the mark.
- If the task requires Assessors to exercise their academic judgment:
 - First, determine whether the marking contains any errors which do not relate to an exercise of academic judgment. Where such an error is found, correct the mark.
 - Then determine whether the Assessor's marking contained any unreasonable exercise of academic judgment. Where this is found, the task should be remarked to the extent necessary to remove the effect of that unreasonable exercise of judgment.
 - Where there is no Marking Error make no change to the mark.

In making any of the above decisions on a review, the Assessor should have considered the Learner's response to the task, the mark scheme and any of the awarding organisation's marking policies which are relevant. The Assessor should document the reasons for each decision which is made.

We expect a similar approach to be followed on an appeal where an awarding organisation is considering whether there has been a Marking Error, with the exception that Condition Project12 does not require that the appeal panel itself must carry out any remarking which is required.

In Condition Project11.4(d), the reasons which are required to be documented on review are 'the reasons for any determination and for any change of mark'. The determinations referred to are decisions (in respect of each task in the assessment and the assessment as a whole), about whether or not the marking included a Marking Error. If a Marking Error is found, the reasons for the change of mark which is necessary to correct the effect of that Marking Error should be documented.

Condition Project11.5(j) requires that the reasons to be provided are the reasons documented by the Assessor.

There is no requirement for reasons to be recorded in a particular form. For example, annotations made by an Assessor could be compliant with the requirement, if they were in sufficient detail to make the reasons clear.

Condition Project12.9 requires the appeals process to provide for the effective appeal of results 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. In other words, an appeal may be brought on the basis that the original marking (unchanged following a review) included a Marking Error or that the remarking (which took place on a review) included a Marking Error.

An appeal should consider the original marking, the outcome of the review, including where relevant any remarking, and take into account any other relevant factors. The appeal panel must uphold the appeal if it considers that the original marking (unchanged following review) or any remarking on a review included a Marking Error.

If the appeals process is to be effective, in most cases the reasons documented on review will be relevant information which should inform consideration of the appeal.

In marking (or remarking) an assessment, Assessors can only make judgments in line with the mark scheme and other relevant procedures. If, following the awarding of marks, an awarding organisation considers that there is a problem with a mark scheme or a relevant procedure, the awarding organisation should take steps to resolve the issue in line with its Conditions of Recognition. We would not generally expect such problems to be dealt with through the review and appeal process.

Guidance on academic judgment

In considering whether or not there has been a Marking Error, the person(s) carrying out a review or appeal will often need to consider whether or not the marking of a task included any unreasonable exercise of academic judgment.

Assessors are appointed by awarding organisations because they have particular skills in the relevant subject area. Assessors are then trained by awarding organisations to ensure that they are prepared to carry out marking appropriately.

Assessors are often required to use these skills to make a professional judgment of what mark should be awarded to a particular response to a task. We refer to this as exercising academic judgment.

Where Assessors are required to exercise academic judgment, there will often be different marks which could reasonably be awarded for a response to a task (and a range of ways in which marks can be attributed to that response to a task) without a Marking Error being made. It is only where the Assessor determines that the original marking represents an unreasonable application of academic judgment that the mark should be changed.

The starting point for considering whether there has been such an exercise of academic judgment is therefore always the mark which is being challenged (and not any alternative mark which the Learner/Centre considers should have been awarded).

Reviews or appeals will be required to be considered in many different subjects and contexts. 'Unreasonable' should be given its normal meaning and a common sense approach should be adopted, taking into account all of the circumstances of the particular review or appeal (which include the mark scheme and relevant marking procedures).

Examples of cases where it might be appropriate to find that there has been an unreasonable exercise of academic judgment include but are not limited to:

- Where the marking of a response to a task is unduly strict or lenient, beyond the bounds of what might reasonably be expected of a trained Assessor properly applying the mark scheme.
- Where a piece of information given as part of a response to a task was not given a mark but where any Assessor acting reasonably and who had the appropriate knowledge and training should have given a mark.
- Where the marking of a response to a task suggests that the Assessor had no rationale for his/her awarding of marks.

An exercise of academic judgment will not be unreasonable simply because a Learner/Centre considers that an alternative mark should have been awarded, even if the Learner/Centre puts forward evidence supporting the alternative mark. A person carrying out a review or appeal should not consider whether an alternative mark put forward by a Learner/Centre would be a more appropriate exercise of academic judgment.

Awarding organisations have obligations to ensure that those carrying out reviews of marking are provided with training in relation to their role (Condition Project11.5(c))

and are monitored to ensure they are performing their role correctly (Condition Project11.5(e)) and consistently (Condition Project11.5(g)).

We expect that awarding organisations should, in line with these obligations, take particular steps to develop consistent practice over time in the making of decisions on whether there has been any unreasonable exercise of academic judgment leading to a Marking Error.

Guidance on Condition Project17 Discovery of failure in assessment processes

Condition Project17 requires an awarding organisation to take specified action where it discovers, through a review or appeal, that there has been a failure in its assessment process that may have affected other Learners.

When conducting a review or appeal, we will expect an awarding organisation to consider where any issue that it identifies may have affected other Learners and, where the answer may be yes, to take all reasonable steps to ascertain whether this is in fact the case.

Where that investigation establishes that other Learners have been affected by a failure in its assessment process, in considering how to correct or mitigate the effect of the failure, an awarding organisation must have regard to our 'Guidance on making changes to incorrect results' which forms part of the Guidance to the General Conditions of Recognition.

Appendix 1 - Revisions to this document

The table below sets out all revisions made to this document since it was first published, and the dates on which those revisions came into force.

Revision	Date in force
Guidance on the general conduct of reviews and appeals Guidance on Condition Project17 Discovery of failure in assessment processes	April 2019



© Crown Copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

www.nationalarchives.gov.uk/doc/open-government-licence/

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:



Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

0300 303 3344
public.enquiries@ofqual.gov.uk
www.gov.uk/ofqual