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Guidance

Examination Procedures Review Service Terms of Reference: January 2022

Updated 14 February 2022

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

These Terms of Reference concern the way the EPRS will operate for the following qualifications, awarded after 1 December 2021:

- (a) General Certificate of Secondary Education (GCSE)
- (b) General Certificate of Education (A level and AS qualifications)
- (c) Project qualifications at Level 3 (EPQ)
- (d) Technical Qualifications forming part of T-Levels

In accordance with Condition I2.1 of the General Conditions of Recognition, awarding organisations must comply with this process.

Role

The role of the EPRS is to consider applications and to determine whether, in relation to that application, an awarding organisation has:

- (a) followed its own procedures (procedural grounds)
- (b) secured outcomes which reflect the regulations set and published by Ofqual (compliance grounds)

Outcomes

In accordance with Condition 12.2 of the General Conditions of Recognition, an awarding organisation must give due regard to the outcome of the EPRS process in relation to any qualification which it makes available.

An application to the EPRS may be allowed or dismissed.

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

- (a) that the awarding organisation has failed to follow its own procedures (allowed on procedural grounds) or
- (b) that the awarding organisation has failed to secure the outcomes required by the regulations set and published by Ofqual (allowed on compliance grounds) or
- (c) that the awarding organisation has failed to follow its own procedures and to secure the outcomes required by the regulations set and published by Ofqual (allowed on procedural and compliance grounds)

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

Eligibility criteria

The EPRS will consider procedural and compliance grounds which relate to:

- (a) the results of assessments
- (b) decisions regarding Reasonable Adjustments and Special Consideration
- (c) the operation and outcome of an awarding organisation's appeals process in relation to the results of assessments and / or decisions regarding Reasonable Adjustments and Special Consideration

The EPRS may consider only applications:

- (a) in respect of those qualifications and descriptions of qualifications listed at paragraph 2 of these Terms of Reference
- (b) in respect of Learners assessed in the UK
- (c) which are made after the conclusion of the final stage of the awarding organisation's appeals process
- (d) unless there are exceptional circumstances, which are made within 15 working days of the awarding organisation issuing a final decision in respect of the conclusion

of the final stage of its appeals process

Applications must be made by a Relevant Centre, or where there is no Relevant Centre, by a Private Candidate or their representative.

Decisions

Applications to the EPRS which do not meet the eligibility criteria at paragraphs 9-11 of these Terms of Reference will be rejected. Eligible applications will proceed to the First Review Stage.

First review stage

The purpose of the First Review Stage is to identify cases in which, although eligible for EPRS review, there is no real possibility the application will be allowed.

Applications which proceed to the First Review Stage will be considered by a member of Ofqual's staff at, or senior to, grade 7, as decision-maker.

Where the decision-maker considers there is a real possibility the application may be allowed, the application will proceed to the Second Review Stage.

Where the decision-maker considers there is no real possibility the application will be allowed, the applicant will be given reasonable opportunity to respond to the decision-maker's provisional view, the reasons for which will be explained in writing.

Where, having considered any representations made by the applicant, the decision-maker remains of the view that there is no real possibility the application will be allowed, the application will be dismissed.

Second review stage

The purpose of the Second Review Stage is to decide whether an application which has proceeded to that stage should be allowed or should be dismissed.

Applications which proceed to the Second Review Stage will be considered by a member of Ofqual staff at (or senior to) grade 6, as decision-maker.

The applicant and the awarding organisation will be invited to attend a meeting with the decision-maker to consider the case. The meeting may be held remotely.

Where the decision-maker considers it appropriate, an initial view may be issued prior to any meeting with the parties, for the purpose of allowing the parties to respond to that initial view during the meeting.

Following the meeting, the decision-maker will issue a reasoned provisional view, to which the parties will be given reasonable opportunity to respond.

A final decision will be issued to the parties following the decision-maker's consideration of any representations made or following the expiry of the deadline for such representations if no representations are made.

Case management

Ofqual staff at grade 7 (or more senior) may at any time give case management directions to assist in the resolution of an EPRS application.

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

Reporting

The EPRS will report its decisions in writing to:

- (a) the applicant
- (b) the affected awarding organisation, at the review stages
- (c) the relevant Ofqual Executive Director

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

Review

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

Interpretation

The rules of interpretation and definitions set out in Condition J1 of the General Conditions of Recognition shall apply to these Terms of Reference.

The following terms shall have the following meaning in these Terms of Reference:

Relevant Centre

In relation to a Learner, a Centre which –

- (a) has purchased the 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), and
- (c) has delivered the assessment to the Learner

Private Candidate

A Learner in relation to whom there is no Relevant Centre.

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