

Review of the deadlines for GCSE & GCE Enquiries about Results (EAR) and Appeals

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December 2007



Report commissioned by the Qualifications and Curriculum Authority, 2008

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1. Context of the inquiry.

- 1.1 This report has been commissioned by the Qualifications and Curriculum Authority (QCA) as part of a wider exercise designed to improve the quality of GCSE and GCE marking and enhance public confidence in the examination system.
- 1.2 QCA maintains a log of complaints and concerns expressed by centres and candidates about the operation of the examinations system. In relation to enquiries about results (EARs) and appeals, most complaints from candidates or their parents arise from either missing the deadline of 20 September for lodging an EAR; or from the fact that even where an EAR results in an improved grade for a candidate, this information may still be too late to secure the desired place in the university of first choice, because of the operation of UCAS or university deadlines.
- 1.3 Further information about issues came from a focus group held in 2007, with teachers who had raised concerns about the current operation of the GCSE and GCE EAR and appeals procedures. Some felt that the tight timeframe for marking and issuing results was contributing to poor quality marking, and therefore lack of confidence in the system, but it was also argued by some delegates that deadlines for completing EAR and appeals needed shortening.
- 1.4 A principal objective of the review is to identify whether there is any scope for changing the current deadlines, as set out in the GCSE and GCE Code of practice, by which awarding bodies must notify a centre or candidate of the outcome of an enquiry or an appeal. The review has also sought to identify the benefits and risks associated with any such changes. This report considers appropriate measures which would help to maintain the integrity of standards, including mitigating strategies that could be used to minimise or manage the identified risks.

2. Executive summary

- 2.1 The report details the features of the present system and analyses them in the light of views expressed by representatives of the regulators and of the awarding bodies. It assesses risks associated with possible changes in the current deadlines and considers a number of strategies to mitigate these risks. A summary of this analysis is attached in Annex A. The report concludes that a number of changes in the deadlines could be implemented without damage to the quality of the service. The following changes are recommended for consideration by QCA.

Service 1: clerical check:

- This service to be abolished except for multiple choice question papers.

Service 2: post results review of marking - priority enquiries:

- The deadline for making an application to an awarding body to be reduced from eight to five days from the issue of the result, all requests to be made by a centre or private candidate and processed by an awarding body electronically or by fax. This would allow the awarding bodies' response time to be reduced to 18 calendar days.

Service 2: post results review of marking - non-priority enquiries:

- The 35 calendar day deadline by which an awarding body must notify a centre or candidate of the outcome of an enquiry to be reduced to 30 calendar days.

Appeals to an awarding body:

- No change to the current requirement for awarding bodies to report the outcome of an appeal to a centre or candidate within 50 days of receiving the appeal.

Application to the Examinations Appeals Board (EAB):

- The deadline for an application to the EAB (after receipt of the draft report of the stage 2 appeal from the awarding body) to be reduced from three weeks to two.
- The period for the EAB's chairman (or deputy chairmen) to accept or reject an application to be reduced from two weeks to one.
- The EAB to reduce the currently open-ended choice of dates for hearings to four

A history of the development of these deadlines is attached as Annex B.

3. Review of current arrangements for enquiries about results and appeals

Note: Where actual dates are cited they refer to the summer 2007 examinations series, the results of which were issued on 16 August for GCE and on 23 August for GCSE (21 August in Northern Ireland).

- 3.1 With regard to the changes suggested below, the views of the three English unitary awarding bodies (AQA, Edexcel and OCR), CCEA in Northern Ireland and the WJEC in Wales, and of the regulators (QCA in England, CCEA in Northern Ireland and DCELLS in Wales) have been elicited by means of a postal questionnaire and personal discussions and have revealed substantial consensus on changes which would be both feasible and beneficial. Annex C lists the individuals and organisations consulted.

Enquiries about results:

- 3.2 Each awarding body offers three post-results services for reviewing and checking examination scripts and coursework. They are:
- Service 1: a clerical re-check for an individual candidate.
 - Service 2: a post-results review of marking for an individual candidate.
 - Service 3: a post-results review of moderation for coursework with feedback.

All summer enquiries must be received by awarding bodies by 20 September.

Service 1

- 3.3 This service involves a check of the script to make sure every question has been marked and that the total number of marks awarded for each paper is correct. It provides a statement of the marks awarded for each part of the examination for the candidate. The awarding body must notify a centre or candidate of the outcome of such an enquiry within 20 calendar days of the receipt of the enquiry.
- 3.4 In 2006 there were 6,044,541 GCSE subject entries and 983 (0.016%) enquiries for clerical checks. There were 7,019,074 A level unit entries and 787 enquiries (0.011%). All of the awarding bodies met the deadline for these enquiries.
- 3.5 Some awarding bodies see little value for centres in this procedure and have suggested that Services 1 and 2 be amalgamated. The numbers seeking a clerical check each year are negligible and most queries can be dealt with on results day by way of a processing check. The removal of this service for all question papers other than multiple choice papers would free up administrative resources which might be more profitably redeployed. However, there is not unanimity on this point.

Service 2

- 3.6 This service provides a post-results review of marking by a second, different, examiner to make sure that the authorised mark scheme has been applied reliably. There are two levels of priority for Service 2, priority and non-priority, each of which is discussed below.

Non-priority service

- 3.7 The awarding body must notify a centre or candidate of the outcome of an enquiry within 35 calendar days of the receipt of the enquiry.
- 3.8 In 2006, for GCSE, 62,397 enquiries were made (1.032% of subject entry) and 44,508 for A level (0.634% of total unit entry). All enquiries were completed within deadline.
- 3.9 In 2007 the deadline for receipt by awarding bodies of applications for this service was 20 September and the period was characterised by a deluge of last-minute enquiries. For example both AQA and Edexcel received over 2,000 enquiries in the final week. Some of the awarding bodies suggest that this pile-up of enquiries is caused by the difficulty and delay experienced by centres in obtaining parental consent to the submission of an enquiry, a process made necessary since the introduction of the possibility of downgrading. The possibility of downgrading has not, as had been hoped, deterred centres from submitting EAR's and many may still be 'speculative', since the risk of downgrading has proved to be statistically insignificant. Consideration of the abolition of downgrading falls outside the remit of the present enquiry but perhaps it should be noted for attention at another time. A spreading out of the workload, which might follow the abolition of downgrading, would help to speed up the processing of enquiries and might facilitate a reduction of the 35-day turnaround deadline, which awarding bodies currently have to meet. While the awarding bodies seem willing to consider some reduction in this deadline, the

scarce resource is the limited pool of senior examiners. Careful consideration of the resource implications and of the possible impact on the standards and reliability of the examinations is called for.

Priority service

- 3.10 This service is provided for when a candidate's place at a Further or Higher Education College depends upon the outcome of an enquiry about results.
- 3.11 Requests must be submitted within eight days of the result being issued and the awarding body must notify a centre or candidate of the outcome of the enquiry within 20 calendar days of the receipt of the enquiry.
- 3.12 In 2006, 8041 priority enquiries (0.115% of total unit entry) were received and all were completed within the deadline.
- 3.13 All respondents are agreed that a tightening of the deadline for this service would be of immediate and tangible benefit to candidates. The current deadline is to respond with an outcome within 20 days, which awarding bodies say they find tight, though all are meeting it. Scripts need to be located, despatched for marking, reviewed, sent back, and any changes processed before the outcome is reported back to the centre. In 2007, the 20-day deadline for awarding bodies, counting from the issue of A-level results on 16 August, ended on 13 September, too late for many candidates for whom a university place was at stake because their university would not hold a place for them beyond the end of August.
- 3.14 However, any reduction of the timescale would require the availability of more examining personnel at a senior level and this would be problematic for the English unitary awarding bodies and WJEC; as many teachers are still on holiday, often out of the country until the end of August. CCEA would not have the same difficulty since most schools in Northern Ireland begin their autumn term at, or a few days before the end of August.
- 3.15 JCQ already encourages centres to make priority requests electronically, but not all do so. If this were made mandatory for priority EARs some reduction in the response time would be possible but any radical change would be greatly facilitated by the widespread introduction of e-assessment.

Service 3

- 3.16 This service provides a post-results review of moderation of a centre's coursework marks and provides feedback on the centre's assessment of the coursework. Service 3 is not available for individual candidates.
- 3.17 The awarding body must notify a centre of the outcome of an enquiry within 40 calendar days of receipt of the enquiry.
- 3.18 1549 requests for this service were received in 2006 for GCSE and 1,036 for GCE. Almost 99% of the GCSE requests and all GCE requests were dealt with within the deadline.
- 3.19 Awarding bodies are opposed to any attempt to reduce the 40-day deadline for service 3 since many say they already have great difficulty in meeting it. The awarding body is dependent on the centre to supply the original sample of work

to the moderator and very often centres prove unable to do this in a timely manner.

- 3.20 The present level of success suggests there may be scope for some tightening up the awarding bodies' deadline, but the question must be asked whether there would be any real benefit in putting more pressure on awarding bodies. Centres probably value this service most for the feedback it provides and speed of response is of little benefit in this regard. (No data is supplied in the 2006 report on the percentage of grade changes resulting from service 3 requests).

Appeals to an awarding body

- 3.21 If a centre or candidate is unhappy with the outcome of an enquiry an appeal can be submitted to the awarding body. The Code of practice in paragraph 9.17, reads "awarding bodies must carry out a preliminary appeals process and then-unless the outcome leads the appellant to withdraw the application – conduct a formal appeals hearing." The JCQ guidelines state explicitly that this internal appeals process consists of two stages:

- Stage 1 – a review of the case by a senior member of the awarding body who has not previously been involved with the case.

A Stage 1 appeal must be submitted by a centre or private candidate within 14 calendar days of the notification of the outcome of an enquiry being received.

- Stage 2 – a presentation of an appeal to a panel convened by the awarding body. This panel comprises three members, one of whom must be independent. A centre can take an appeal to Stage 2 only after going through Stage 1.

The head of centre or private candidate must make an application for a Stage 2 appeal within 14 days of the outcome of a Stage 1 appeal.

- 3.22 In 2007 Awarding bodies were required to complete stages 1 and 2 of the appeals process and report the outcome within 50 working days of receiving the original appeal. (In previous years the deadline was 10 weeks.) However, any working days falling between 25 December and 1 January inclusive were excluded from the allowed 50 working days.

- 3.23 The QCA *Report on EARs and appeals* arising from the summer 2006 examinations shows that of a total of 683 Stage 1 appeals, only 42 proceeded to Stage 2. These figures, which are typical of other years, illustrate the value of Stage 1 to the awarding bodies (and to centres) in that it filters out the majority of appeals and reduces Stage 2 appeals to manageable numbers. However, only 52% of these Stage 2 appeals were completed within the 10 week deadline which applied in 2006.

- 3.24 Since this deadline has now been reduced to 50 working days there seems to be little scope for further reductions without risk of damaging the quality of the process. Meeting a deadline is not the only, and at this stage not the most important, measure of quality. For example, the provision of a subject-specific report by a senior examiner for consideration by the appeals panel is of immense benefit to it and to the centre, but there is no Code requirement to

produce such reports. Their preparation takes time and inevitably introduces a delay. Similarly the bringing of subject experts to Stage 2 appeals can be of enormous value and assistance but arranging for their attendance frequently involves delays, due to the other professional commitments the senior examiners have.

- 3.25 If a centre is dissatisfied with the outcome of the Stage 2 appeal it can apply for a hearing to the Examinations Appeals Board (EAB).

Application to the Examinations Appeals Board (EAB)

- 3.26 The EAB consists of a chairman and two deputy chairmen who are assisted at appeal hearings by independent panellists. It considers, in relation to the award of grades, whether the awarding body has used procedures which are consistent with the Code of Practice and whether it has applied them properly and fairly. The EAB cannot re-mark candidates' work nor change grades but it may direct an awarding body to reconsider a case and may offer recommendations.
- 3.27 Formal application to the EAB must be made within three weeks of receipt of the draft report detailing the outcome of an appeal to an awarding body. Within two weeks of receiving an application the chairman will decide whether it falls within the EAB's remit and warrants formal consideration by the Board. If he/she decides the appeal is to be heard a hearing will be arranged at the earliest possible date, normally within two months of receipt of the application. The parties are given 10 days to furnish documentation and the Board circulates this to the parties at least seven days before the hearing. Within two working days of the hearing, both parties are informed of the outcome and the EAB will publish its conclusions and underlying reasoning within 15 working days of the hearing. Should the EAB require an awarding body to reconsider a case, the outcome will be published within six weeks of the awarding body's receipt of notification from the EAB.
- 3.28 In 2006 the EAB completed 80% of its appeals within the deadline and in 2007 this improved to 100%. This improvement was probably assisted by the low number of appeals in 2007.
- 3.29 While two weeks are allowed for the chairman to accept or reject an application for an appeal hearing, in practice this decision is normally made within a few days.
- 3.30 The EAB hearing should normally be held within two months of receipt of an application and this deadline is being met. Delays are sometimes encountered in fixing a mutually acceptable date for hearings because of the intervention of the Easter holidays and the non-availability of key personnel. A more expeditious response from centres might be expected now that two thirds of examination officers in schools are no longer expected to carry teaching duties. However many of them, being non-teachers, may lack an intimate appreciation of the interaction between the examination system and the rest of the life of a school. In addition, they are unlikely to carry the same authority within a school as a deputy head or senior teacher who typically would have been the holders of this responsibility in earlier years. If centres were offered a choice of four dates and expected to accept one within ten days of the offer, the season for EAB hearings might be compressed. In itself this would offer no particular benefit to centres but might enable awarding bodies to be more successful in

meeting the 6-week deadline for the completion of additional work following appeals. At present more than half of the EAB appeals show breaches of this deadline, because of the understandable difficulty of getting the services of senior examiners at a time when they are engaged in preparing for the next year's series of examinations.

4. Recommendations

- 4.1 The responses of representatives of the awarding bodies and of the regulators to my enquiries have been evaluated, and, at a meeting held on 12 November 2007, were challenged with a view to quantifying benefits and identifying risks and mitigating strategies for a range of possible changes.¹ In general the awarding bodies reacted positively to proposals to tighten deadlines though with some reservations and disagreements. After further thought it has been concluded that the following changes would be feasible and beneficial.

Service 1: clerical check

- 4.2 The Service 1 separate clerical check should be abolished except for multiple choice question papers. For the reasons noted in paragraph 3.3 of this report there would be no risk attached to this change since a full clerical check is an integral part of the present Service 2 and the benefit would be a reduction in and streamlining of administration.

Service 2: post results review of marking - priority enquiries

- 4.3 The present deadline for making this request is within eight days of the result being issued. If this deadline was reduced to five days and the awarding bodies insisted that all requests were submitted either electronically or by fax, they are confident they could process many more priority EARs within the month of August and reduce their response deadline to 18 calendar days. This change would enable more candidates to meet the universities' deadlines. There is a risk that the religious beliefs of some centres or candidates would prevent their using computer resources, but it is understood that the same difficulties would not attach to the use of fax.

Service 2: post results review of marking - non-priority enquiries

- 4.4 The 35 calendar day deadline for response by awarding bodies to non-priority EARs should be reduced by five days. This recommendation is based on the assessment that though examiner-time is a scarce resource the awarding bodies could accommodate this change without serious risk to the quality of service. The deadline of 20 September for submission of requests for this service should remain unchanged since schools already struggle to meet it.

Service 3: post-results review of moderation

- 4.5 No change to the 40 calendar day deadline recommended. Awarding bodies have difficulty in meeting it at present because of the logistical difficulties noted above and any shortening would risk significant levels of failure without any benefit.

Appeals to an awarding body

¹ A list of attendees at this meeting is given in Annex D

- 4.6 The deadlines for Stage 1 and Stage 2 appeals should remain unchanged because any shortening would result in the awarding bodies concentrating on meeting a difficult deadline and sacrificing many of the benefits to centres offered at present by the appeal process.

Application to the EAB

- 4.7 The following changes are recommended:
- that centres be allowed two weeks rather than three in which to lodge an appeal with EAB after receipt of the draft report detailing the outcome of an appeal to the awarding body
 - that the period allowed for the chairman to accept or reject an appeal be reduced to one week with the proviso that the Remit for EAB be changed to empower either of the two deputy chairmen to take this decision if the chairman is not available
 - that centres be offered a choice of four dates for a hearing and allowed ten days to accept one of them.

The benefit of these changes would be shortening of the period within which EAB appeals are heard. It is at present difficult for the public to understand why appeals against the result of an examination taken in June one year are not in some cases finally resolved until after June the following year. No significant risks are attached to these changes.

Further changes

- 4.8 Mention has been made above of the effect of e-assessment on timescales. Developments in this area will have considerable potential for shortening of deadlines.
- 4.9 The introduction of a system of post-qualification applications is currently being considered and a number of models have been suggested. Once again these developments, if implemented, would have a major impact on the application of deadlines.

Acknowledgements

I wish to record my gratitude to all those who responded to my enquiries and who devoted considerable time and thought to formulating constructive suggestions and helping me to understand the finer points of the enquiries and the appeals process.

Gerry Kelly.

Analysis of proposed changes

Deadline	Recommended Change	Benefit	Risks	Mitigating Strategies
Clerical check	Abolish Service 1	Reduced administration	Minimal-numbers very small	Clerical check is part of Service 2
Priority EARs	Reduce deadline for application to 5 days, reduce deadline for awarding bodies to respond to 18 days	More candidates would meet university & HE requirements	More applicants might miss application date	Compulsory electronic or fax communication
Non-priority EARs	Reduce 35-day deadline for AB response to 30 days	Improves speed of operation	Shortage of senior examiners	ABs confident they can mobilise resources
Review of moderation	No change	No. Unproductive increase in pressure on ABs	None	Not applicable
Appeals	No change	Preservation of quality of service to appellants & panels	None	Not applicable
EAB appeals	Centres allowed 2 weeks, not 3, after receipt of draft report of stage 2 appeal, to lodge EAB appeal Chairman allowed 1 week to accept or reject application Centres offered 4 dates only for hearing appeal & must choose one within ten days	Would shorten period of EAB Appeals As above As above	Some centres might not meet deadline Chairman might not be available Centres might find all dates offered unacceptable	Emphasise new deadline in advice to centres Empower deputies to act in this matter Negotiate

Summary of development of EAR and appeals deadlines.

The present arrangements for making enquiries about results (EARs) and appeals were set in place following a review commissioned by the Minister of State for education in 1997. An action plan was sent by the Minister to Sir William Stubbs, chairman of QCA, in December 1998. One objective of that review had been to ensure that the enquiries and appeals system “operates as swiftly as is consistent with proper consideration of the case and legitimate administrative constraints” and that it “upholds overall standards of assessment and public confidence in the rigour of the qualifications system”.² The review led to the introduction of target setting and the publication of performance data and of other information about the operation of the enquiries and appeals system. The rationale for these changes was the belief that public commitment to swift handling of enquiries and appeals would strengthen confidence in the system. The government was particularly keen to promote swift handling of enquiries where important external time limits applied, such as where places in further or higher education were at stake.³

In his reply to the Minister, Sir William Stubbs, chairman of QCA, made a point of mentioning the need to ensure that implementation of the proposals would not impose unreasonable administrative or financial burdens on the awarding bodies or, more particularly, on schools and colleges.⁴ An annex to his letter outlined the performance targets which, with some modifications, continue to operate today.

These present procedures for making enquiries about the results of GCSE and GCE examinations (EARs) and for appealing against those results are now set out in the Code of Practice of the regulators and in the document Remit and Procedures of the Examinations Appeals Board (EAB). The deadlines which these documents incorporate for the completion of the various stages of the enquiries and appeals may be summarised as follows:

All summer enquiries about results (EARs) must be received by 20 September. The outcomes of enquiries concerning subject grades must be provided within the following deadlines:

- A priority post-results review of marking within 20 calendar days of receipt.
- A clerical check, within 20 calendar days of receipt.
- A post-results review of marking, within 35 calendar days of receipt.
- A post-results review of moderation, within 40 calendar days of receipt.

Following receipt of the outcome of an enquiry, appellants are allowed up to two calendar weeks in which to lodge an appeal.

Awarding bodies are allowed 50 working days from the lodging of an appeal to carry out a preliminary appeals process and, if required, conduct a formal appeals hearing and issue a decision letter. In any event awarding bodies are required to communicate the outcome of all appeals on summer examinations by 14 February in the following calendar year.

A comparable schedule for any additional examinations must be agreed with the regulators.

² Letter of 13 July 1998 from Tessa Blackstone to Sir William Stubbs

³ Appeals Review, p.4

⁴ Letter of 23 December 1998

- Formal application to the EAB within three weeks of receipt of draft report of the stage 2 appeal to the awarding body.
- Acceptance or rejection of the final appeal by the chairman of EAB within two weeks of receipt of application.
- Hearing by EAB panel within two months.
- Notification of outcome within two working days.
- Publication of conclusions within 15 working days of the hearing.
- Outcome of any further work by awarding body published within six weeks of receipt of notification from EAB.

Over a period of years the awarding bodies have invested more resources in the enquiries and appeals processes while from the point of view of the regulators the rationale has been to make the deadlines more demanding but still achievable. Data on the performance of awarding bodies against these targets has been published from early 2000. Reports can be accessed on the QCA website, (http://www.qca.org.uk/qca_5778.aspx).

Since 2000 the main changes to the deadlines have been as follows:

- The 2004 code reduced the deadline for priority enquiries from 30 to 20 days.
- In 2005 further changes were introduced:
 - Clerical check-20 days
 - Non-priority re-mark – 35 days
 - Re-moderation – 40 days
- In 2007 the deadline for appeals was changed by way of clarification from 70 days to 50 working days though the cut-off date of 14 February remained the same.

It is important to note that, consistent with the principles set out in the correspondence between Tessa Blackstone and Sir William Stubbs, this incremental tightening of deadlines has been carried out in consultation with the awarding bodies in a manner calculated to preserve goodwill and cooperation on all sides. Any further changes recommended in this report must similarly take account of the constraints under which the awarding bodies do their work and of the additional resources which might be required to implement such changes. No changes should be contemplated which might compromise the reliability or standards of the examinations.

List of persons and organisations consulted.

The regulators:

- QCA – David Christopher, Dennis Opposs & Ann Walter
- DCELLS – Susan Bellamy
- CCEA – Roger McCune

The awarding bodies:

- AQA - Kevin Phillips
- Edexcel- Peter Challinor
- OCR – Wendy Crawford, Deborah Howes & Tony Orgee
- WJEC – Sandra Anstey
- CCEA – Ann-Marie Duffy

The Examinations Appeals Board

- Jeff Thompson (Chairman)
- Mike Moran (Deputy chairman)
- Robin Trebilcock (Deputy chairman)
- Bryan Whittaker

**List of those present at discussion meeting in QCA office on
Monday 12 November 2007**

Gerry Kelly (Chair)
Sandra Anstey –WJEC
Deborah Howes – OCR
Kevin Phillips –AQA
Peter Challinor – Edexcel
Tony Orgee – OCR
David Christopher – QCA (part meeting only)
Susan Mould – QCA (minute taker)