

## **Ofqual consultation on guidance in relation to appeals under the GQAA framework in 2021**

### **Response from the Association of School and College Leaders**

*May 2021*

#### **A. Introduction**

1. The Association of School and College Leaders (ASCL) represents over 21,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary and further education and skills phases. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to contribute to this consultation.

#### **B. General comments**

3. ASCL has continued concerns about several aspects of the appeals policy. We recognise it is not within the scope of this consultation to raise these concerns. As such, our specific responses are limited to commenting on the guidance on Condition GQAA4.
4. However, these responses should be considered alongside our ongoing concerns. These include:
  - a) a potential requirement for subject expertise during the appeals process, which may put centres in breach of the STPCD and employment law
  - b) a lack of detail and lack of transparency about the criteria against which an appeal on the grounds that a centre's selection of evidence was an unreasonable exercise of academic judgement will be made
  - c) a lack of detail and lack of transparency about the criteria against which an appeal on the grounds that a centre's grading decision was an unreasonable exercise of academic judgement will be made
  - d) a lack of detail in how results will be corrected if a centre and an awarding organisation disagree
  - e) the time limitations of the 2021 appeals process, and until when centres are expected to retain evidence

### **C. In response to your specific questions**

#### **Question 1. Do you have any comments on the learner's right to a review and appeal?**

5. It is not explicit in the GQAA whether or not a centre review will have to be undertaken where a student does *not* think that an administrative and/or procedural error has occurred, but is appealing solely on the grounds of academic judgement.
6. In such cases, a centre review is superfluous and will create an unnecessary delay in the process. The guidance should only require a centre review where the basis of the appeal is within a centre's scope to review and change.

#### **Question 2. Do you have any comments on the grounds for appeal?**

7. Although Ofqual states that no particular skill will be required to take forward an appeal, it is clear from the process detailed later in the consultation that a degree of skill will be required to present the grounds for a successful appeal. Ofqual should require awarding organisations to provide additional support for students this year (e.g. the creation of template and plain text guides).
8. In order to help candidates make an informed decision about whether or not to bring forward an appeal, Ofqual should require exam boards, through the JCQ, to define the criteria by which an appeal will be assessed in relation to exercise of academic judgement. Not doing so would be untransparent, and not allow candidates to make an informed decision.

#### **Question 3. Do you have any comments on procedural or administrative errors?**

9. We are pleased to note that a centre's policy will not be reviewed at this stage of an appeals process, as it will have already been approved by JCQ during the quality assurance process.
10. We are unclear whether a procedural appeal can be rejected by an awarding organisation on the grounds that procedure was followed, if the candidate is actually questioning the academic judgement of the centre, even if they have not said this.

#### **4. Do you have any comments on academic judgement?**

11. We appreciate that the decision maker will need to make a holistic judgement when considering an appeal, in line with the TAG process. However, as the process of appeals needs to be transparent, there must be clear criteria by which decisions will be made.
12. Ofqual should require awarding organisations to publish all training materials they create and give to their reviewers, so that centres and candidates are aware of what reviewers have been told to do.
13. Paragraph 21 gives significant weight to the role of the centre policy in a judgement on the exercise of academic judgement. However, most centre policies are likely to be high-level and not detail the consistent evidence being used at a qualification level. The first time an awarding organisation will be aware of what evidence has been used by a centre, in most cases, will be in the case of an appeal.

**Question 5. Do you have any comments on correcting grades?**

14. Because non-appellants do not have grade protection this year, Ofqual should require awarding organisations to produce a rationale as to why they think it is in the public's interest to change a non-appellant's grade, following a review by an appellant.
15. This guidance is unclear on how a disagreement between the awarding organisation and the centre on a revised grade will be mediated and resolved. It is not in the interest of young people for a grade to remain inaccurate or to be withheld. Ofqual should set some clear principles to guide this process.

**Question 6. Do you consider there are any equalities impacts arising from our draft guidance which we have not previously identified?**

16. Because centres will be unable to support candidates with an appeal, as is common in normal exam years, some disadvantaged students may not have the capital or support to take forward an appeal.

**Question 7. Do you consider there are any regulatory impacts arising from our draft guidance which we have not previously identified?**

17. Not applicable.

**D. Conclusion**

18. We are grateful for the opportunity to respond to this consultation, and hope our response is of value to the process.

*Tom Middlehurst  
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Association of School and College Leaders  
5 May 2021*