



# **ANNUAL REPORT**

**2004**

January 2005

# **1. THE EXAMINATIONS APPEALS BOARD**

## **1.1 2004 report**

This is the Examinations Appeals Board (EAB) annual report for the year 2004 (covering appeals against 2003 examinations and one appeal against a 2002 examination).

The EAB welcomes comments on this report and on any issues arising from it.

## **1.2 EAB members**

Ministers at the Department for Education and Skills (DfES) appoint EAB board members for three-year terms. The chairman, Jeff Thompson, was appointed in 2002. Deputy chairman, Gerry Kelly, was reappointed in 2002 and deputy chairman, Robin Trebilcock, was appointed in 2003.

## **1.3 Administrative support**

The EAB receives administrative support from the Qualifications and Curriculum Authority (QCA). The principal officer and the appeals officer deal with all enquiries to the EAB and offer information and advice to anyone experiencing problems with any stage of the enquiries and appeals process.

In February, Philomena Waldron retired as the EAB's principal officer. Philomena had served since the EAB's inception in 1999 and, before that, had supported the work of the Independent Appeals Authority for School Examinations.

In all her work for the EAB, Philomena demonstrated the highest professional standards as well as an unflinching courtesy towards all those with whom she came into contact. The EAB and its panellists will miss Philomena.

*A list of EAB members, office staff and contact details are provided in appendix 1.*

## **1.4 Finance**

EAB members and panellists are paid a fee for each day they work. For the calendar year 2003, this cost was £41,620.

The EAB's total expenditure for the financial year 2003/4 was £108,260 and for the year 2004/5 was £58,445. The increased expenditure in 2003/4 was due to a rise in the number of appeals and the costs of appointing new panellists and a new principal officer.

## **1.5 EAB website**

The EAB website ([www.theeab.org.uk](http://www.theeab.org.uk)) contains copies of all the information and guidance that EAB issues. In addition, the EAB can send documents to anyone unable to access the EAB website and can provide documents in Welsh.

## **1.6 Freedom of Information Act**

Although it is not currently listed as an organisation bound by the requirements of the Freedom of Information Act, the EAB acknowledges that the Act provides for a framework for best practice and is keen to operate as if it were required to be compliant.

*The EAB publication scheme can be found on the EAB website ([www.theeab.org.uk](http://www.theeab.org.uk)).*

## **2. EAB WORK IN 2004**

### **2.1 EAB cases**

#### **2.1.1 Number of appeals**

In 2004, the EAB heard one appeal on a 2002 GCE examination and 12 appeals on 2003 examinations: seven on GCE, four on GCSE and two on GNVQ examinations. This was the first year in which appeals were made to the EAB concerning GNVQs. Another first for the EAB was an appeal by a private candidate.

There were three other applications. One centre withdrew its application after the awarding body offered to carry out further work. One centre had not appealed to the relevant awarding body and the EAB could therefore not consider the application. A third application was deemed by the chairman to be lodged beyond the deadline for making an appeal.

#### **2.1.2 Timescales**

The EAB remit requires it normally to hold hearings within two months of receipt of an application.

In 2004, all cases except four were heard within two months. The exceptions were where the centres requested a hearing date outside the two-month timescale or where school holidays intervened and left the centres unable to send representatives to a hearing during that time.

In all cases, the detailed final decision letter was issued within 15 working days of the hearing. Five days of that period is allowed for the centre and awarding body to consider the factual accuracy of the draft text.

The regulatory authorities (QCA, ACCAC and CCEA) expect awarding bodies to complete all appeal hearings by February 14 in each year. The EAB congratulates the awarding bodies on its efforts to achieve this target in 2004. Because of these efforts, the EAB was able to complete all hearings for 2003 examinations, with one exception, by July.

In previous years, the EAB has received applications for appeals up to 18 months after the date of the examination.

#### **2.1.3 Outcomes of appeals**

Of the 13 cases heard in 2004, eight were allowed and five were not allowed.

The EAB requested further work (either re-marks or re-moderation) in five of the allowed cases. The remaining three allowed appeals all concerned the same GCE examination. The panels hearing these appeals each considered, with regret, that it was not possible to request further work to be carried out.

	GCE	GCSE	GNVQ
Appeals upheld	5	2	1
Appeals not upheld	2	2	1

*A list of cases is provided in appendix 2. Summaries of closed cases are available on the EAB website or from the office.*

## **2.2 The panel**

Currently there are 17 panellists, two of whom sit with one EAB board member to hear each appeal. As well as hearing appeals, with all the preparatory and follow-up work that entails, panellists act as EAB observers in cases where the EAB requires an awarding body to re-mark or re-moderate work. This happened five times in 2004.

In November 2004, the EAB held its annual Panel Day. The members, office staff and panellists (current, about to retire and newly appointed) met to consider issues from this year and some matters that could affect the EAB's work in future.

The EAB wishes to thank Peter Clare, Jill Platt, Dylan Wyn, Bob Cummings (panellists who retired in November 2004) and Simon Cooper (who resigned in February) for the part they played in the work of the EAB.

The expertise and professionalism of the panellists is a major strength of the EAB and the panellists' contribution and support is much appreciated.

*A list of panellists is included in appendix 1.*

## **2.3 Meetings**

Each year the EAB usually meets with representatives of the teachers' associations to discuss issues of concern to centres, in general and arising from EAB cases.

The EAB values this regular contact with teachers' representatives and hopes that through it a better understanding of the EAB's work spreads out to the main body of the profession.

However, having consulted with teacher associations, and having noted that no issues of concern had been identified by them, the EAB decided to cancel its scheduled meeting for 2004.

In April and November 2004, the EAB met the Joint Council for Qualifications (JCQ), through which the awarding bodies coordinate their work. As usual, at both meetings the EAB discussed issues arising from EAB cases.

The EAB's regular contacts with the regulatory authorities and the DfES continue to be helpful and productive and are seen to be increasingly important, given the extensive changes that are taking place in the examination system.

The chairman and principal officer of the EAB were very pleased to have the opportunity to attend a meeting with the chief executives of the regulatory authorities together with the chief executives of the awarding bodies. This meeting discussed the particular implications arising from an EAB case.

### **3. ISSUES**

Below is a list of some of the issues raised in decisions on cases in 2004. The list relates mostly to individual appeals but could have wider implications for other specifications and awarding bodies.

The EAB's detailed decision letters are copied to JCQ, so all the awarding bodies see the EAB's decisions and recommendations. In addition, the EAB discusses issues from the appeal hearings at meetings with JCQ and, as necessary, with the regulatory authorities.

Sometimes, the EAB makes recommendations to centres and to awarding bodies. Issues for centres are posted on the EAB website.

#### **3.1 Issues for awarding bodies**

##### **3.1.1 Adherence to marking instructions**

The EAB was concerned that a panel found evidence to show that re-marking examiners were not adhering exactly to the instructions of the awarding body with regard to the annotations of scripts. The EAB asked awarding bodies to ensure that re-marking is meticulous.

##### **3.1.2 Changes to specifications/mark schemes**

The EAB was aware that one awarding body had come under a deal of pressure, as a result of the 2002 Tomlinson report, to amend the mark scheme for a coursework component. The EAB believed that amending the mark scheme had had an adverse effect on those candidates who had completed their coursework before the scheme was amended. Appeals brought to the EAB on this matter were allowed.

The EAB believes that, as far as possible, awarding bodies should not introduce significant changes without giving centres enough detail and time to enable them to adjust their preparation of candidates to the implications of those changes.

##### **3.1.3 Valid alternative answers**

The EAB reminded awarding bodies that mark schemes should allow alternative but valid responses and that there should be some mechanism for uncertain markers to check the validity of such answers with a senior examiner.

The EAB believes that good practice is to identify alternative valid answers throughout the question-setting process.

##### **3.1.4 Private candidates**

The EAB reminded awarding bodies that specifications and accompanying materials should stand alone and should not rely on legacy specifications for custom, practice and exemplar materials as private candidates would not have access to 'custom and practice' and might not even be aware of the existence of previous specifications. The same disadvantage could apply to centres using the specification for the first time.

##### **3.1.5 Sampling GNVQ portfolios**

The EAB was concerned that a sample of five portfolios for each centre, irrespective of the size of the cohort, might not be sufficient to make the

judgements for moderation that the Code of Practice requires. The EAB has raised this issue with the regulatory authorities.

### **3.1.6 Use of regression analysis**

The EAB was concerned that the application of regression analysis does not always produce fair results. The EAB asked that when the application of regression analysis produces a set of results that is seriously at variance with the centre's marks the awarding body considers taking steps to verify the accuracy and validity of the line of regression.

### **3.1.7 Actions taken following the identification of an aberrant examiner**

The EAB asked that any actions taken by awarding bodies following the identification of an aberrant examiner should apply to all centres that the examiner has dealt with and not just those that pursue appeals.

### **3.1.8 Anomalous results**

The EAB asked awarding bodies to attempt to find explanations for anomalous sets of results when presenting cases to the EAB. While accepting that it is not always possible to find such explanations, the EAB would like to be satisfied that awarding bodies have made some effort to identify them.

### **3.1.9 Scaling of examiners' marks**

The EAB reminded awarding bodies that the use of a formula to correct the work of an examiner, who has made large but consistent errors in marking, does not always lead to fair results for candidates.

## **4. CONCLUSION**

The EAB wishes to thank the awarding bodies for their continued cooperation and their willingness to accede to the recommendations that follow appeals.

The EAB believes that awarding bodies share the desire to ensure that the processes of examinations are as robust as possible and that an appropriate mechanism is in place to help assure learners that their achievements are accurately recognised.

The EAB is following the developments in 14–19 education with great interest. The EAB has noted the contents of the Tomlinson Report and looks forward to receiving a copy of the government's White Paper.

The EAB will work very closely with the regulatory authorities and the awarding bodies to ensure that the appropriate mechanism for appeals is developed in tandem with the changes to the 14–19 landscape.

Jeff Thompson  
Chairman

Gerry Kelly  
Deputy Chairman

Robin Trebilcock  
Deputy Chairman

**THE EXAMINATIONS APPEALS BOARD**

**The board**

Jeff Thompson	Chairman
Gerry Kelly	Deputy Chairman
Robin Trebilcock	Deputy Chairman

**The panellists**

**Current:**

Paul Ashdown	Mike Moran
Michael Batten	Robert Nutter
Caroline Blatchford	Liz Preston
Paul Clark	Alan Richardson
Andrew Collins	David Snashall
Maggie Evans	Graham Soles
Mike Fletcher	David Turton
Jim Haines	Neil Watts
Gerry Hayden	

**Retired 2004:**

Peter Clare  
Simon Cooper  
Bob Cummings  
Jill Platt  
Dylan Wyn

**The office**

Bryan Whittaker	Principal Officer
Kate Watters	Appeals Officer

**Contact details**

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## Appendix 2

### APPEAL HEARD ON 2002 EXAMINATIONS

1	Haberdashers' Monmouth School for Girls	OCR GCE History	Not allowed
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### APPEALS HEARD ON 2003 EXAMINATIONS

1	St Albans School	Edexcel GCE Drama and Theatre Studies	Allowed
2	Townley Grammar School	Edexcel GCE History	Not allowed
3	Dayncourt School	AQA GCSE French	Not allowed
4	King James's School	OCR GCE Psychology	Allowed
5	Oundle School	OCR GCE Psychology	Allowed
6	A private candidate	OCR GCSE Latin	Allowed
7	Driffield School	AQA GCSE English Literature	Not allowed
8	King Edward VII School	OCR GCE Psychology	Allowed
9	South Bromsgrove School	AQA GNVQ part 1 ICT	Not allowed
10	Rickmansworth School	AQA GCE Art and Design (Photography)	Allowed
11	Cheltenham Ladies' College	AQA GCSE English Literature	Allowed
12	Oakmead College	AQA GNVQ part 1 ICT	Allowed

*Summaries of closed cases are available on the EAB website, or from the office.*