

Summer 2020 examination results – Managing student/parental concerns

Following the A-Level and GCSE results being based on centre assessed grades (CAGs) and made available to students, Ofqual updated its guidance on appeals and concerns about malpractice.

26 August 2020

Please note: the information contained in this legal update is correct as of the original date of publication.

Following the A-Level and GCSE results being based on centre assessed grades (CAGs) and made available to students, Ofqual updated its guidance on appeals and concerns about malpractice. This guidance makes it clear that schools will continue to have a role to play in dealing with concerns after results day and must have procedures in place for this purpose.

The guidance from Ofqual can be found [here](#). The guidance states that concerns may be raised, and action may be taken, in 3 circumstances:

- Where the academy has made an administrative error in submitting the information to the exam board;
- Where the exam board has made an error in communicating the information to a student; or
- Where a student feels that bias, discrimination, malpractice or maladministration has occurred within the academy and that has had a detrimental impact on the centre assessed grade submitted by the school.

The first two issues may result in a school making an appeal on the student's behalf to the exam board. The final issue represents an allegation of malpractice against the school which would generally need to be investigated by the school through its complaints procedure before any individual referral was made to the exam board. However, individuals may refer malpractice allegations to the exam board at any time.

Our experience shows that concerns are being raised with schools about CAGs at the current time, but there is limited information available on the approach schools should take. Our view is that schools should publish information on their approach to CAG related concerns and that the content of the procedure should include the following issues:

- Given that it may not be clear what the precise nature of the concern about the CAG is, it may be useful to have a single point of contact within the school to deal with enquiries about CAGs and provide a triage service to determine which is the likely pathway for the concern to be answered.
- Any initial acknowledgement of the concern should signpost the Ofqual guidance around appeals as it provides greater clarity for students/parents on the scope of the appeal arrangements.
- A number of concerns may relate to how CAGs were determined. It would appear appropriate for school to publish a general guide explaining how they determined CAGs as this will provide clarity and hopefully reduce the number of concerns.
- In terms of administrative error, schools will need a process to respond to concerns and provide an internal review (after an initial response) to those concerns where the school does not have sufficient evidence to show that any error has occurred and therefore the school does not need to submit an appeal to the exam body. Administrative errors may be those made by the school or the exam body and would require an appeal to be submitted before 17 September 2020. In accordance with the guidance, schools will need to establish a two stage process which allows (1) an initial consideration of the concern and assessment of whether any error occurred and (2) an internal review of that decision by a person other than the one that undertook the process set out in (1).

- In terms of maladministration (including bias, discrimination and malpractice), the clear advice from Ofqual is for concerns/complaints to be raised through the school complaints policy. It would be appropriate to deal with these as formal complaints being considered by the Headteacher/Principal at the relevant stage of the school's complaint procedures. These could go on to be considered by governors/trustees through the appeal stages of the policy before being considered by the exam boards.

If you need specific advice on the procedures to be adopted or in relation to any concerns raised with the school, please contact [Richard](#) or other members of the [education team](#).

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