Joint Council for Qualifications CIC

# A guide to the awarding organisations' appeals processes

Effective from June 2026 examination series

For the attention of heads of centre, senior leaders within schools and colleges, examination officers, and teaching staff.

Produced on behalf of:

AQA Questions matter · CAMBRIDGE OCR · City & Guilds · cea Rewarding Learning · NCFE · Pearson · wjec cbac

©JCQ CIC 2026

# Contents

**Introduction** ..... 1

**Definitions** ..... 3

1 Appeals against the outcomes of post-results services (clerical re-checks, reviews of marking and reviews of moderation) ..... 5

2 Appeals against decisions made in cases of malpractice ..... 9

3 Appeals relating to access arrangements, reasonable adjustments and special consideration ..... 12

4 The procedure for appeal hearings ..... 15

5 Further avenues of appeal ..... 20

6 Timescales ..... 21

7 Review of other administrative decisions ..... 22

8 Application for an appeal or a review of an administrative decision (Form JCQ/App1) ..... 23

**Appendix A** Awarding organisation contact details ..... 26

# Introduction

1 This document sets out the processes for appealing against decisions made by the JCQ awarding organisations in relation to:

- AEA
- AQA Applied General qualifications
- AQA Level 2 Certificate in Further Maths
- AQA Level 3 Certificate in Mathematical Studies
- Cambridge Nationals
- Cambridge Technicals
- Cambridge Advanced Nationals
- CCEA Level 3 Certificate of Personal Effectiveness
- CCEA Level 1 and Level 2 Vocational Qualifications
- CCEA Level 1 and Level 2 Occupational Studies
- City & Guilds Level 2 and Level 3 Technical qualifications (external assessments and moderated assessments only)
- Pearson Edexcel Awards in Mathematics
- Pearson Edexcel International A level
- Pearson Edexcel International GCSE
- ELC
- Essential Skills (Wales)
- FSMQ
- GCE AS and A level
- GCSE
- NCFE Entry Level 3 Level 1 and 2 Functional Skills (external assessment only)
- NCFE Level 1, 2 and 3 Vocational (Technical Award) qualifications
- NCFE Level 3 Diploma/Extended Diplomas (external assessment only)
- OCN NI Qualifications
- Pearson BTEC (external assessments and moderated assessments only)
- Project qualifications
- T Level Technical Qualifications*
- WJEC Entry Pathways
- WJEC Language Pathways
- WJEC Cymraeg Gwaith
- WJEC Level 1 and Level 2 General qualifications
- WJEC Level 1 and 2 Vocational Awards
- WJEC Level 1 and Level 2 Vocational Awards (Technical Awards)
- WJEC Level 2 and Level 3 Health and Social Care and Childcare (Wales)
- WJEC Level 3 Applied Certificates, Diplomas and Extended Diplomas (including Alternative Academic Qualifications)
- WJEC Skills Challenge Certificate
- WJEC Level 3 Advanced Skills Baccalaureate Wales

If the qualification you are concerned about is not listed above, please refer to the individual awarding organisation's documentation.

* Please also refer to the awarding organisation's specific appeals documentation.

2 These procedures meet the requirements of the qualification regulators for England, Wales and Northern Ireland (Ofqual, Qualifications Wales and CCEA Regulation); their regulatory documentation underpins the awarding organisations' appeals processes.

3 Awarding organisations accept appeals in relation to three areas of their work. These are:

- Appeals against post-results services – **see page 5**.
- Appeals against malpractice decisions – **see page 9**.
- Appeals against decisions made in respect of access arrangements, reasonable adjustments and special consideration – **see page 12**.

In addition, some other administrative decisions, such as cases of missing scripts, may be subject to review by awarding organisation officers.

4 This document has a separate section for each type of appeal. As there is similarity in the way all appeals are handled, this will lead to some repetition of information.

5 Where a centre wishes to query or discuss any aspect of an awarding organisation's interpretation or application of the procedures detailed in this document, the relevant awarding organisation's appeals officer should be contacted **(see Appendix A, page 26)**.

6 Awarding organisations may charge a fee for each stage of an appeal against the outcome of a clerical re-check, a review of marking or a review of moderation. Details of these fees can be obtained from the awarding organisation concerned. The fee will be refunded or waived if the appeal is upheld.

# Definitions

### Regulator

An organisation designated by government to establish national standards for qualifications and to secure compliance with them. The qualification regulators for England, Wales and Northern Ireland are:

- Ofqual (England)
- Qualifications Wales (Wales)
- CCEA Regulation (Northern Ireland)

### Requirements

In addition to the requirements found in an awarding organisation's subject or qualification specifications, JCQ documentation contains the requirements relating to the conduct of examinations and assessments.

The JCQ documents contain guidance and requirements relating to the provision of access arrangements and the conduct of controlled assessments, coursework, examinations and non-examination assessments.

All JCQ documents relating to the above are available on the JCQ website.

The requirements are informed by the regulatory standards set by the qualification's regulators in England, Wales, and Northern Ireland, including Ofqual's *General Conditions of Recognition*, Qualifications Wales' *Standard Conditions of Recognition* and CCEA *Regulation's General Conditions of Recognition.*.

### Centre

An organisation (such as a school, college, training company or provider or place of employment), which is approved by and accountable to an awarding organisation for the examination and assessment arrangements leading to a qualification award.

### Head of centre

The head of centre is the individual accountable to the awarding organisations for ensuring that the centre is always compliant with the published JCQ requirements **and** awarding organisation requirements.

The head of centre is also known as the centre's Headteacher, Principal, Warden, Headmaster, Headmistress or Master.

### Private candidates

For the purposes of appeals, a private candidate is defined as a student who is entered by the centre for a qualification in a particular subject but has not received any tuition at the centre for that subject during the academic year in which the exam series occurs.

The student may have received teaching at the centre for different subjects or qualifications, or for the same subject or qualification for a previous exam series.

### Appeal

If, as a centre, you think an awarding organisation has (1) made a marking error or, (2) a moderation error, or (3) has not applied its procedures consistently, properly or fairly (or if, as a private candidate, you think an awarding body has (1) made a marking error, or (2) has not applied its procedures consistently), it is possible to submit an 'appeal' in accordance with the provisions and limitations set out in this document.

Please note that an outcome of a review of results service **must** have been confirmed and received before you can submit an application for an appeal.

### Appellant

An Appellant is the individual who is submitting an application for an appeal.

For the purposes of this document, an Appellant may be a:

- Head of Centre
- Private candidate or their representative (as defined above)
- Member of staff or contracted personnel at a centre where a centre staff malpractice decision or sanction has been imposed directly by the awarding organisation.

# 1 Appeals against the outcomes of post-results services (clerical re-checks, reviews of marking and reviews of moderation)

**Who can appeal and when?**

**7** Appeals for internal candidates **must** be submitted by the **head of centre.**

A head of centre can appeal against the outcome of a clerical re-check, a review of marking or a review of moderation. When providing their consent to a clerical re-check or review of marking, a candidate also confirms that they understand that the outcome of any subsequent appeal might be that their final subject grade and/or mark may be lower than, higher than or stay the same as the result which was originally awarded.

Private candidates may submit an application directly to an awarding organisation to appeal against the outcome of a clerical re-check or a review of marking. They cannot submit an appeal for a review of moderation (unless they are the only learner in the cohort, which would not normally be the case).

When providing their consent to a clerical re-check or review of marking, a private candidate also confirms that they understand that the outcome of any subsequent appeal might be that their final subject grade and/or mark may be lower than, higher than or stay the same as the result which was originally awarded.

When making the entry for a private candidate, the centre should ensure it follows the awarding organisation's requirements for correctly identifying that entry as being for a private candidate. This is important, as it will ensure the awarding organisation can identify that an appeal application related to that subject, which is submitted to the awarding organisation directly by the private candidate, is eligible for processing.

**8** Please note that internal candidates and/or their parents or carers are **not** entitled to appeal directly to the awarding organisation. Representations **must** be made to the head of centre where the candidate was entered or registered. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeals arrangements. Only in the most exceptional circumstances, for example permanent centre closure, will an awarding organisation accept an appeal directly from an internal candidate.

**9** Appeals **must not** be submitted by the head of centre or private candidate until the outcome of the relevant post-results service has been confirmed.

**10** An appeal may be submitted if the Appellant, considers that either:

- a marking or moderation (or a review of marking or moderation) error has occurred; or
- the awarding organisation did not apply its procedures consistently, properly or fairly.

**11** Ofqual's *Qualification Level Conditions* define marking error and moderation error grounds for appeal as follows:

**Marking Error**: "A Marking Error is defined as the awarding of a mark which could not reasonably have been awarded given the evidence generated by the Learner, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to marking, including in particular where the awarding of a mark is based on –

- an administrative error;
- a failure to apply such criteria and procedures to the evidence generated by the Learner(s) where that failure did not involve the exercise of academic judgment; or
- an unreasonable exercise of academic judgment."

**Moderation Error**: "A Moderation Error is defined as a moderation outcome which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the centre's marking of that evidence, the criteria against which Learners' performance is differentiated and any procedure of the awarding organisation in relation to moderation, including in particular where the outcome of moderation is based on

- an administrative error;
- a failure to apply such criteria and procedures to the evidence generated by the Learner(s) where that failure did not involve the exercise of academic judgment; or
- an unreasonable exercise of academic judgment."

An academic judgement is what is involved when assessing. It is possible for different examiners to reasonably reach different judgements. An unreasonable decision or application of academic judgment is one that no reasonable decision-maker, having proper regard to the assessment criteria, could (*see Assessment and Grade Setting: An Overview – **JCQ Joint Council for Qualifications** for more information on how a grade is determined*).

Where other issues outside of the scope of these permitted grounds are included in an appeal application, they will not be considered in the appeal, and the head of centre should instead follow the awarding organisation's enquiries or complaints process for those additional issues.

**12** If an application for an appeal is accepted, an investigation into candidates' or a centre's results, and/or the awarding organisation's procedures, will follow. Appeals accepted for investigation on procedural grounds **will not** generally involve a further review of candidates' work.

**13** If an original hard-copy script has been returned to the centre under the Access to Scripts service, it **cannot** form part of a review of marking or a subsequent appeal. However, if a scanned copy of the script was produced by the awarding organisation at the time of marking this may be used as the basis for these processes.

### How to appeal

**14** The head of centre or private candidate (the Appellant) should submit a written request for an appeal to the relevant awarding organisation. The Appellant should check the relevant awarding organisation's website to see specific arrangements for submitting appeals. A list of the awarding organisations' contact details is provided in **Appendix A, page 26**. The JCQ form *Application for an appeal* can be used where the relevant awarding body's published arrangements allow for this **(see page 23)**.

**15** **Appeals must be made within 30 calendar days of the awarding organisation issuing the outcome of the clerical re-check, review of marking or review of moderation ('the outcome').**

If the reasons for the outcome, and/or a copy of the script(s) have been provided within 15 calendar days of the awarding organisation issuing the outcome, an application for an appeal **must** still be submitted within 30 calendar days of receiving it.

16 The Appellant **must** set out clearly and concisely the grounds for the appeal; this should explain the detail of where the Appellant believes a marking/moderation error has occurred and why it has not been corrected at the review of marking/moderation stage. Where possible, supporting documentation and references to the published mark scheme should be included.

Where the grounds for appeal are not presented clearly and concisely, the awarding organisation will not accept the application to appeal. The grounds must be set out by the Appellant (the head of centre or private candidate). Where an internal candidate has set out the grounds for the appeal, the head of centre must check the grounds are accurate and make it clear in the application that they support the grounds that have been presented.

17 When an application for an appeal is received, the awarding organisation will decide whether it will be accepted or not.

18 The decision whether to accept the application for an appeal is based on:

- the validity of the grounds for the appeal as put forward by the Appellant;
- whether a clerical re-check, a review of marking or a review of moderation has already been completed;
- the timescale of the application.

If an application for an appeal is accepted, the appeal will move to the preliminary stage.

If an application for an appeal is not accepted, the reason(s) for this will be given.

### What happens during the preliminary stage of an appeal?

19 The preliminary stage involves a consideration of the case by an awarding organisation officer who has not had any previous involvement with or personal interest in the matter. This stage will include consideration of the written submission from the Appellant.

20 After the preliminary stage the case will either be not upheld or upheld in whole or in part.

21 If the case is upheld, any necessary further work on the candidates' scripts or results will be undertaken. Any such work will always be carried out in full compliance with regulatory and awarding organisation requirements and inter-board JCQ-agreed procedures.

22 The preliminary stage outcome letter, with reasons, will be sent to the Appellant. The letter will also detail the next available stage of the appeals process. Following the preliminary stage, the Appellant may pursue the appeal to a hearing.

The Appellant is the head of centre or private candidate who submits the appeal.

### Appeal hearings

23 Where the Appellant wishes to proceed to the next stage of the appeal (a hearing), they **must** send a written request for an appeal hearing to the relevant awarding organisation. The Appellant should check the relevant awarding organisation's website for the specific arrangements for submitting appeals. A list of the awarding organisation's contact details is provided in **Appendix A, page 26**. The JCQ form *Application for an appeal* can be used where the relevant awarding organisation's published arrangements allow for this (**see page 23**).

24 **A request for an appeal hearing must be made within 14 calendar days of receipt of the preliminary appeal outcome letter. Awarding organisations will usually reject appeals made outside of this timescale.**

A request for an appeal hearing should explain clearly where the preliminary report has failed to address the marking or moderation grounds raised or should explain clearly why there is a continued disagreement with the preliminary finding and provide supporting evidence (with clear reference to the grounds of appeal), where necessary.

The grounds for an appeal hearing **must** still be valid, as at **paragraphs 10 and 11** of this document.

New grounds which were not part of the preliminary appeal or are not in response to the preliminary appeal outcome cannot be added.

25 An appeal hearing is designed to ensure that the Appellant has a formal opportunity to present their case to a panel comprising members who have not previously been involved in any marking, moderation or review of the candidate's work, and at least one of whom is not connected with the a*warding organisation*.

A member of centre staff **must** represent the centre at the appeal hearing for internal candidate appeals.

An internal candidate, their parent or carer or a third party **cannot** represent the centre at an appeal hearing.

An appeal hearing **is not** a remarking exercise, and panel members **will not** exercise their own academic judgment. Panel members **are not** subject matter experts.

The procedure followed at the appeal hearing is set out in **paragraphs 55-78**.

# 2 Appeals against decisions made in cases of malpractice

## Introduction

**26** 'Malpractice' and 'maladministration' are distinct but related concepts, the common theme being that they involve a failure to follow the rules of an examination or assessment. This document uses the word 'malpractice' to cover both 'malpractice' and 'maladministration'.

It means any act, default or practice which is:

- a breach of the regulations;(as defined by the JCQ document Suspected Malpractice – Policies and Procedures); and/or
- a breach of awarding organisation requirements regarding how a qualification should be delivered; and/or
- a failure to follow established procedures in relation to a qualification;

which:

- gives rise to prejudice to candidates; and/or
- compromises public confidence in qualifications; and/or
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of any awarding organisation or centre or any officer, employee or agent of any awarding organisation or centre.

**27** Awarding organisations' decisions on malpractice cases are based on an inter-board agreement which is reflected in the JCQ document *Suspected Malpractice – Policies and Procedures*.

This document can be downloaded from the JCQ website:

**http://www.jcq.org.uk/exams-office/malpractice**

**28** Decisions in cases of suspected malpractice are usually made by a member of a dedicated and trained team of officers at the relevant awarding organisation. In some cases of malpractice, the decision may be made by a committee of senior officers or an external committee.

**29** Appeals may be initiated against a finding of malpractice and/or the sanction imposed by the awarding organisation. **It is not possible to appeal against a sanction which is perceived to be too lenient or to appeal where malpractice was not found**.

## Who can appeal?

**30** A head of centre may appeal against a finding of malpractice and/or the sanction imposed on the centre or members of staff (including contracted workers) and on behalf of candidates entered or registered through the centre.

A head of centre **must** inform candidates that they are submitting an appeal on their behalf. The candidate may submit a statement.

**31** A member of centre staff or personnel contracted to a centre (e.g. an external invigilator) may appeal against a finding of malpractice and/or the sanction imposed on them.

**32** A private candidate, or a third party (i.e. a person other than an internal candidate or their parents or carers), may appeal directly to the relevant awarding body against a finding of malpractice and/or any sanction imposed on them directly to the relevant awarding organisation.

**33** Please note that internal candidates and/or their parents or carers are **not** entitled to appeal directly to the awarding organisation. Representations **must** be made to the head of centre where the candidate was entered or registered. The head of centre's decision as to whether to submit an application for an appeal is subject to the centre's internal appeals arrangements. Only in the most exceptional circumstances – for example, permanent centre closure – will an awarding organisation accept an appeal directly from an internal candidate.

### How to appeal

**34** The Appellant should submit an application for an appeal to the relevant awarding organisation. Awarding organisations' contact details are provided in **Appendix A, page 26**. The Appellant should check the relevant awarding organisation's website for the specific arrangements for submitting appeals. The JCQ form *Application for an appeal* can be used where the relevant awarding organisation's published arrangements allow for this (**see page 23**).

**35** **Applications for an appeal should be made within 14 calendar days of receiving the malpractice decision. Awarding organisations will usually reject appeals made outside of this timescale.**

**36** The Appellant submitting an application for an appeal **must** set out, as clearly and concisely as possible, the grounds for the appeal and **must** include any further evidence relevant to supporting the appeal.

**37** Appeals **must** be based on reasonable grounds which relate to the incident in question. The following are accepted as reasonable grounds:

- the incident was not dealt with in accordance with the published procedures as detailed in the JCQ document *Suspected Malpractice – Policies and Procedures;*
- the decision was unreasonable in light of the evidence presented to the Malpractice Committee;
- further evidence (including medical evidence) has come to light which may change the awarding organisation's decision;
- the sanction imposed is disproportionate to the seriousness of the malpractice.

**38** The following do not, within themselves, constitute grounds for an appeal:

- the individual did not intend to cheat;
- the individual has an unblemished academic record;
- the individual could lose a FEI or HEI place or employment;
- the individual regrets their actions.

**What happens during a malpractice appeal investigation?**

**39** When an application for an appeal is received, it is checked by the awarding organisation. The context and grounds of the appeal and the supporting documentation are checked to ensure they meet the above requirements and how the appeal may best be processed. **It is important that all relevant documentation is included at this point, as there will be limited opportunities to submit additional information later in the process**. *Whether additional information will be permitted will depend on the circumstances of the case.* The awarding organisation will contact the Appellant to acknowledge receipt of the appeal. The awarding organisation reserves the right to inform heads of centre that an appeal has been submitted, where relevant.

**40** The awarding organisation may:

- refer the matter for fresh consideration to an appropriate individual who has not had any previous involvement with or any personal interest in the matter. At this stage the appeal may be upheld (in whole or in part) or not upheld. If the Appellant remains dissatisfied with the outcome of this consideration, they may proceed to an appeal hearing. **A request for an appeal hearing must be made within 14 calendar days of receipt of the preliminary appeal outcome letter. Awarding organisations will not accept appeals made outside of this timescale.**
- refer the matter to an appeal hearing. The procedure followed at the appeal hearing will be as set out in **paragraphs 55-78**;
- not accept the appeal for investigation because no valid grounds for appeal have been provided.

# 3 Appeals relating to access arrangements, reasonable adjustments and special consideration

**Introduction**

41 The awarding organisations recognise that there are some candidates who may be prevented from demonstrating their achievement because of:

- a physical or mental impairment which has a substantial and long-term adverse effect on the candidate's ability to carry out normal day-to-day activities, within the meaning of Section 6 of the Equality Act 2010 (and Part 1, Section 1 of the Disability Discrimination Act 1995 for Northern Ireland);
- a temporary disability, illness or indisposition immediate to or at the time of the examination;
- circumstances at the time of or during the examination or assessment.

42 **Access arrangements and reasonable adjustments are pre-examination adjustments** approved before an examination or assessment. They allow candidates with special educational needs, disabilities or temporary injuries to access the examination or assessment.

43 **Special consideration** is an adjustment to a candidate's mark or grade to reflect temporary illness, injury or other indisposition **at the time of the examination or assessment**.

44 Access arrangements, reasonable adjustments and special consideration decisions are based on inter-awarding organisation procedures. The principles and requirements governing access arrangements and special consideration are set out in the JCQ documents *Access Arrangements and Reasonable Adjustments* and *A guide to the special consideration process*. These documents can be found on the JCQ website:

http://www.jcq.org.uk/exams-office

45 If, after consulting the relevant documentation outlining the decision regarding access arrangements, reasonable adjustments or special consideration, the Appellant (the head of centre or a private candidate) disagrees with the decision made, they may lodge an appeal.

The Appellant must also reasonably believe that the awarding organisation did not apply its procedures consistently, properly or fairly.

In such cases, a written request setting out the grounds for a preliminary appeal should be submitted to the relevant awarding organisation by the Appellant.

The Appellant should check the relevant awarding organisation's website to see specific arrangements for submitting appeals.

Contact details for each awarding organisation are provided in **Appendix A, page 26**.

For appeals against the awarding of a qualification grade using alternative assessment evidence (a reasonable adjustment), an appeal can be submitted against decisions relating to:

- the candidate's eligibility;
- the sufficiency or suitability of the alternative assessment evidence; or

- unreasonable academic judgment. An unreasonable decision or application of academic judgment is one that no reasonable decision-maker having proper regard to the assessment criteria could have made (see ***Assessment and Grade Setting: An Overview – JCQ Joint Council for Qualifications*** for more information on how a grade is determined)

### Who can appeal?

**46** Applications for appeals may only be accepted from a head of centre (on behalf of a candidate or a group of candidates) or private candidates.

**47** Internal candidates, their parents or carers or other third parties are **not** entitled to appeal directly to the awarding organisation. Representations **must** be made to the head of centre where the internal candidate was entered or registered. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeals arrangements. Only in the most exceptional circumstances, for example permanent centre closure, will an awarding organisation accept an appeal directly from an internal candidate.

### How to appeal

**48** Before undertaking an appeal, it may help if the Appellant discusses the situation with the relevant awarding organisation. Such discussions will sometimes resolve the matter without recourse to appeal.

**49** **The appeal request should be made within 14 calendar days of receiving the original decision and should set out clearly and concisely the grounds for the appeal.** The JCQ form *Application for an appeal* can be used where the relevant awarding organisation's published arrangements allow for this – see **page 23. Awarding organisations may not accept appeals made outside of this timescale.**

### What happens during the preliminary stage of an appeal?

**50** The preliminary stage of an appeal process involves an investigation of the case by an officer or officers of the relevant awarding organisation. The officer will not have had a previous connection with or any personal interest in the case. The preliminary stage will consider the written submission from the Appellant and will involve a review of all relevant guidance and the procedures that were followed in arriving at the decision, which is subject to appeal. Awarding organisations may also consider any precedents of previous cases where the circumstances pertaining to such cases are similar.

**51** The awarding organisation may:

- Refer the matter for fresh consideration to an appropriate individual who has not had any previous involvement with or any personal interest in the matter. At this stage the appeal may not be upheld or may be upheld in whole or in part.
- Not accept the appeal where no valid grounds for appeal have been provided.

Following completion of the review process, the Appellant will receive a preliminary stage outcome letter detailing the decision and reasons behind it. At this stage the case may be either fully upheld, partially upheld or not upheld.

If the Appellant remains dissatisfied with the outcome of this consideration, they may proceed to an appeal hearing. A request for an appeal hearing must be made within 14 calendar days of receipt of the preliminary appeal outcome letter. Awarding bodies will not accept appeals made outside of this timescale.

## Appeal hearing

**52** If the Appellant disagrees with the outcome of the preliminary stage, a written request for an appeal hearing should be sent to the relevant awarding organisation. A list of the awarding organisations' contact details is provided in **Appendix A, page 26**. The Appellant should check the relevant awarding organisation's website for the specific arrangements for submitting appeals. The JCQ form *Application for an appeal* can be used where the relevant awarding organisation's published arrangements allow for this (**see page 23**). The awarding organisation will make arrangements for a hearing.

**53** **This appeal request should be made within 14 calendar days of receiving the outcome of the preliminary appeal.**

**54** The procedure followed at the appeal hearing will be as set out in **paragraphs 55-78**.

# 4 The procedure for appeal hearings

### Before the hearing

**55** The Appellant will have submitted an application for an appeal hearing within 14 calendar days of the outcome of the preliminary stage being received.

**56** **The application must clearly set out the grounds of appeal and all supporting documentation. It is important that all relevant documentation is included at this point, as there will be limited opportunities to submit additional information later in the process. The awarding organisations reserve the right to produce material in rebuttal of any appeal application.**

The grounds of appeal submitted **must** be the same as the grounds of appeal which will be presented on the day and which were considered at the preliminary appeal stage. If there are any differences, or new material is introduced, the appeal panel will need to decide whether to accept or reject the new grounds and/or new material, whether to defer the appeal hearing or whether a new preliminary appeal should be considered. This will depend on all the circumstances of the case.

**57** For an appeal hearing, an awarding organisation typically convenes a panel of three or four people. They will be drawn from a larger pool of individuals who are not directly employed by the awarding organisation and who have been trained in the task of deciding appeals.

At least one of the panel members will be an 'independent member'. Independent members are individuals who have had no employment or other connection with that awarding organisation for at least the previous five years.

**58** Appellants will be expected to participate in the appeal hearing. The hearing may take place virtually, be paper-based, or be held in person. The format of the hearing will be determined by the awarding organisation and communicated to the Appellant in advance. The awarding organisation retains final responsibility for deciding the format of the hearing.

**For a paper-based hearing, paragraphs 59, 60, 61, 62, 63, 64, 65 and 70 do not apply.**

**59** If, when notified of the date set for a virtual or in-person appeal panel hearing, the Appellant does not attend without good reason, the hearing may proceed in their absence.

**60** The Appellant may be accompanied by a friend, colleague or union representative, but names and contact details of all representatives **must** be provided to the awarding organisation **no later than seven calendar days before the date of the hearing**. Any representative whose details have not been provided to the awarding organisation within the required timescale may be required by the Chair of the hearing to leave before the hearing commences. Refusal to leave the hearing when requested may lead to the termination of the hearing. It would not generally be expected that the Appellant's attendees would exceed three in number.

**61** The awarding organisations may also call any representatives relevant to the case. It would not generally be expected that awarding organisation representatives would exceed three in number.

62 Internal candidates and/or their parent or carers **will not** be called as representatives but may attend as observers with the prior permission of the Chair of the panel. Observers **are not** entitled to present cases or to engage in questioning any parties at the hearing but they may make a brief statement at the discretion of the Chair of the panel.

63 Other observers may attend hearings, with the prior approval of the Chair, no later than seven calendar days before the date of the hearing. The observers **must** adhere to the protocols of the appeal hearing.

64 Legal representation is not normally permitted at an appeal hearing; an appeal hearing is not a legal function.

65 If the Appellant wishes to be legally represented, this **must** be discussed with the awarding organisation before a hearing date is finalised. If legal representation for the Appellant is agreed, the awarding organisation may also be legally represented.

An awarding organisation **will not** be liable for any professional fees incurred by the Appellant.

66 A copy of all materials (correspondence, documents, reports, etc) relating to the appeal will be forwarded to the appeal panel members and the Appellant no later than seven calendar days prior to the hearing. Only in the most exceptional circumstances will the Chair permit additional materials to be tabled on the day of the hearing.

67 Where any material is considered by the awarding organisation to be of a confidential nature, the awarding organisation may make such material available to the appeal hearing under such conditions as are necessary to protect the confidentiality of the material. The awarding organisation will ensure compliance with any relevant provisions of data protection legislation.

### At the appeal hearing

68 The appeal hearing will take the form of a reconsideration of the evidence, comments and reports provided to and by the awarding organisation and observations presented by the Appellant.

69 **In an appeal relating to a clerical re-check, a review of marking or a review of moderation**, the test applied by the panel will be whether:

- **a)** there has been a marking or moderation error, or a review of marking or review of moderation error; and/or
- **b)** the awarding organisation has applied its procedures consistently, properly and fairly in arriving at judgements.

**In an appeal relating to malpractice**, the panel will consider, on the balance of probabilities, whether there was sufficient evidence to support the finding of malpractice and how appropriate the original penalty or sanction was in light of the JCQ Malpractice requirements, awarding organisation precedents and any additional information provided by the Appellant or awarding organisation.

**In an appeal relating to access arrangements, reasonable adjustments or special consideration**, the panel will consider whether the awarding organisation's actions were consistent with the published procedures and were fair (which includes meeting the legal duties to make reasonable adjustments).

**70** The normal procedure to be followed during appeal hearings is outlined below.

**70.1** A member of the panel will Chair the hearing.

**70.2** The awarding organisation will be responsible for ensuring that a record of the proceedings is kept for seven years.

**70.3** The Chair will undertake introductions, outline the procedures to be followed and, if appropriate, provide a summary of the case.

Each member will be asked to confirm at the start of the appeal hearing that they have not had a previous connection with or any personal interest in the case. Specifically, that they have not been involved in any marking, moderation, review of marking or review of moderation of the candidate's work, or the candidate's centre, in the examination series in which the appeal arises.

The independent member(s) will make themselves known at the beginning of the appeal hearing.

The Chair will indicate that it is the role of all panel members to ensure that the hearing is conducted in accordance with the procedures detailed in this document.

**70.4** The Chair may, at their discretion, accept written evidence from a third party unable or unwilling to attend the hearing (**see paragraph 66, page 16**).

**70.5** The Chair will invite the Appellant to present their case to the panel.

**70.6** The Chair will then offer the representative(s) of the awarding organisation the opportunity to question the Appellant.

**70.7** The Chair and the panel members will then have the opportunity to question the Appellant.

**70.8** The Chair will then invite the representative(s) of the awarding organisation to present their case to the panel.

**70.9** The Chair will offer the Appellant the opportunity to question the representative(s) of the awarding organisation.

**70.10** The Chair and the panel members will then have the opportunity to question the representative(s) of the awarding organisation.

**70.11** The Chair will offer the representative(s) of the awarding organisation an opportunity to sum up their case, should they wish to do so. **Awarding organisations will not introduce new information at this stage**.

**70.12** The Chair will then offer the Appellant an opportunity to sum up their case, should they wish to do so. **The Appellant will not introduce new information at this stage**.

**70.13** The Chair will then invite the Appellant and their representative(s) and the awarding organisation's representative(s) to withdraw but to remain available for a brief time whilst the panel determines whether they wish to ask any further questions of either the Appellant or the awarding organisation's representative(s).

**70.14** If the panel determines that they do wish to ask further questions, both the Appellant and their representative(s) and the awarding organisation's representative(s) will be asked to return to the hearing.

**70.15** At the conclusion of all questions, the Appellant and their representative(s) and the awarding organisation's representative(s) will be informed that the hearing is complete and they may leave.

**70.16** Where the Chair believes that the hearing cannot proceed in line with the above process, they have the authority to terminate the hearing. This includes cases where there is disruptive behaviour by any party, for example:

- offensive, abusive, aggressive or threatening language or actions;
- repeated interruptions of the other party or the panel;
- refusal to respond appropriately to relevant questions from the panel or other party;
- refusal to follow the hearing procedure as laid out above.

Following termination of a hearing, the Chair will decide whether the hearing should be rescheduled to take place at a future date and if so, what format this will take.

**71** The panel will deliberate in private. In reaching its decision, the appeal panel will apply, as appropriate, the tests set out in **paragraph 69, page 16**. Where the appeal relates to the awarding organisation's procedures, the appeal panel will also consider whether any remedial action subsequently taken by the awarding organisation was sufficient to rectify the matter.

The appeals panel may decide to uphold the appeal or not to uphold it. The panel may:

- refer the matter back to the appropriate awarding organisation officer for further consideration on such basis as the panel may direct; or
- direct the awarding organisation to carry out further work;
- in a malpractice appeal, remove or confirm the finding of malpractice **and/or** confirm or amend the sanction.

### After the appeal hearing

**72** Irrespective of whether the appeal is upheld, the panel may make recommendations to the awarding organisation on issues or concerns that emerged during the appeal hearing.

**73** **Any further work will be carried out in full compliance with regulatory requirements and inter-board JCQ agreed procedures.**

**74** Where the panel upholds an appeal, this does not necessarily mean that a candidate's marks or grade will change. A panel may not instruct an awarding organisation to award a specific mark, as panels do not comprise subject experts. Only a trained and standardised examiner can award a mark.

**75** If the Appellant and the awarding organisation were present at the hearing, the decision of the appeals panel will not normally be verbally communicated to the Appellant or to the awarding organisation's representatives on the day of the hearing. The decision will be sent to the Appellant, the head of centre (where relevant) and to the awarding organisation's representative(s) no later than five working days after the hearing. If it is not possible to meet this deadline, the awarding organisation will provide an update to the Appellant by this date, including a revised timescale for providing the outcome.

**76** A summary written report or written transcript of the hearing may be provided to the Appellant and to the awarding organisation's representative(s) within 28 calendar days. **This report or transcript will be confidential to parties to the appeal**.

77 The Appellant and the awarding organisation's representatives will be offered the opportunity to correct errors of fact made in the report within 14 calendar days. The decision whether to accept amendments suggested by the Appellant or by the awarding organisation's representative(s) will be at the sole discretion of the Chair of the appeal panel.

78 **The hearing by the appeal panel will complete the awarding organisation's internal appeals procedures. No further appeal will be accepted by the awarding organisation.**

# 5 Further avenues of appeal

### Access arrangements, reasonable adjustments, special consideration and post-results services

79 **For centres in England and Wales (for Ofqual regulated qualifications),** where dissatisfaction remains with the decision of the appeal hearing, an appeal may be made to the Exam Procedure Review Service (EPRS). Please note that this service is confined to GCE AS, A level, GCSE, Technical Qualifications (part of a T Level) and Level 3 Project qualifications (EPQ). The Exam Procedure Review Service, which is provided by Ofqual in England, has been set up to ensure that schools, colleges, candidates and parents or carers are satisfied that grades issued by an awarding organisation are as fair and accurate as they can be.

**For centres in Wales (for Qualifications Wales regulated qualifications),** for further avenues of appeal against decisions taken by awarding organisations in cases of access arrangements, reasonable adjustments, special consideration and post-results services, please refer to Qualification Wales's document ***Complaints about Awarding bodies***.

**For centres in Northern Ireland (for qualifications regulated by CCEA Regulation and WJEC qualifications regulated by Qualifications Wales)**, where dissatisfaction remains with the decision of the appeal hearing, an appeal may be made to the EPRS offered by CCEA Regulation. Please refer to CCEA Regulation's website.

80 For details about the EPRS and further avenues of appeal, please refer to the relevant qualification regulator's website.

### Malpractice

81 **For centres in England and Northern Ireland**, the decision of the appeal committee or panel is final. There are no further avenues of appeal against decisions taken by awarding organisations in cases of malpractice. Ofqual in England and CCEA Regulation in Northern Ireland do not hear appeals against malpractice decisions.

82 **For centres in Wales**, for further avenues of appeal against decisions taken by awarding organisations in cases of malpractice, please refer to Qualification Wales's document ***Complaints about Awarding bodies***.

# 6 Timescales

83 The awarding organisations aim to complete a preliminary appeal within 42 calendar days of the receipt of a valid application.

The awarding organisations aim to hold an appeal hearing within 70 calendar days of the receipt of a valid application.

# 7 Review of other administrative decisions

**84** During any examination series, circumstances arise that cause an awarding organisation to make decisions that may affect a candidate's results. Where these decisions involve an element of judgement, they may be subject to a review by awarding organisation officers.

**A head of centre who is concerned by such administrative decisions should contact the relevant awarding organisation's appeals officer to discuss their concerns.**

**85** The most common types of other administrative decisions which may be subject to review are listed below. **Please note that this list is not exhaustive and other types of administrative decisions may also be subject to review**.

- Decisions taken in cases of very late arrival.
- Decisions taken in cases of missing scripts.
- Decisions involving the use of aegrotats or estimated grades. Aegrotats or estimated marks related to special consideration cases can be appealed and are eligible to progress through the preliminary and appeal hearing stage of the appeals process, as appropriate. For further information about aegrotats and estimated marks, please see the JCQ document:

  **Estimating-marks-guidance-for-centres-06.03.19-8-1-1-Copy-1.pdf**
  **jcq.org.uk**

**86** **The request for a review of an administrative decision should be made within 14 calendar days of receiving the original decision and should set out clearly and concisely the grounds for the review.** The applicant should check the relevant awarding organisation's website to see specific arrangements for submitting a request for a review.

The JCQ form *Application for an appeal* can be used where the relevant awarding organisation's published arrangements allow for this, ticking the box 'Review of other administrative decisions' – see **page 22.**

**Awarding organisations may not accept a request for a review of of administrative decisions or reviews made outside of this timescale.**

**87** The awarding organisations aim to complete these reviews within 42 calendar days of the receipt of the application.

**88** As these cases are reviews and not formal appeals, they **will not** be subject to an appeal hearing.

# 8 Application for an appeal or a review of an administrative decision

**JCQ/App1**

Centre Number | | | | | |

The details provided on or appended to this form will form the basis of the case being put forward by the Appellant.

When completing the details, please pay particular attention to **section 10** of this form, which outlines the grounds for appeal and summarises your reasons for appealing. If you require clarification or assistance, please contact the relevant awarding organisation

**Please indicate the type of appeal or review being initiated**

| | | | |
|---|---|---|---|
| Completion of Post-Results Services* | | Malpractice | |
| Access arrangements, reasonable adjustments or special consideration | | Review of other administrative decisions | |

If this is an appeal against the outcome of a clerical re-check, a review of marking, a review of moderation or an access arrangement or special consideration decision, please indicate below whether this is an application for a preliminary appeal or an appeal hearing.

| | | | |
|---|---|---|---|
| Preliminary appeal | | Appeal hearing** | |

***Please note that an Appellant cannot proceed to a preliminary appeal until the clerical re-check, review of marking or review of moderation has been completed and the outcome confirmed.**

****Please note that an Appellant cannot proceed to an appeal hearing unless they have already initiated a preliminary appeal and this appeal has been completed.**

1. Name of Appellant:

   .....

2. Centre name:

   .....

3. Address:

   .....

   .....

   .....

   .....

4. Telephone number: .....

5. Name and position of centre contact:

   .....

6. Email address of contact person: .....

7. Examination series: .....

8. Title and level of specification:

   .....

   .....

9. Name(s) and candidate number(s) of candidate(s) on whose behalf you are appealing (where applicable):

| Candidate name | Candidate number | Component/unit code |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Continue on another sheet if necessary.

10. Grounds for appeal:

Please state the grounds for appeal, continuing overleaf as necessary, and attach all supporting documentation. It is in the interest of all parties that all grounds for appeal are clearly stated in the application.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

11. Names and positions of people attending an appeal hearing:

.....

.....

Head of Centre/Private Appellant Name:.....

Signed:.....

Date:...../...../.....

**Please return the completed form to the relevant awarding organisation. If you have not received an acknowledgement within five working days, please contact the awarding organisation.**

# Appendix A Awarding organisation contact details

AQA

appeals@aqa.org.uk

Please see AQA's website for details of how to submit an appeal:
https://www.aqa.org.uk/exams-administration/after-results/post-results/appeals

Cambridge OCR

Please see OCR's website for details of how to submit an appeal:
https://www.ocr.org.uk/administration/general-qualifications/post-results/appeals/

City & Guilds

policy@cityandguilds.com

https://direc.to/hTsw

CCEA

appealsmanager@ccea.org.uk

https://ccea.org.uk/examiner-centre-support/post-results-support/post-results-appeals

NCFE

appeals@ncfe.org.uk

https://www.ncfe.org.uk/qualifications/centre-assessment-support/appeals/

Pearson

edexcelappeals@pearson.com

Please see Pearson's website for details of how to submit an appeal:
https://qualifications.pearson.com/en/support/support-topics/results-certification/post-results-services.html

WJEC

appeals@wjec.co.uk

https://www.wjec.co.uk/home/administration/results-grade-boundaries-and-prs/post-results-services-and-appeals