



Joint Council for
Qualifications

A guide to the awarding bodies' appeals processes

June 2020 examination series

**For the attention of heads of centre, senior leaders
within schools and colleges and teaching staff**

Produced on behalf of:



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Introduction

1. This guidance sets out the process for appealing against results issued in summer 2020 by the JCQ awarding bodies in relation to the following qualifications:

GCSE, GCE AS, A level, Extended Project Qualification, Advanced Extension Award in maths and the Welsh Baccalaureate

If the qualification you are concerned about is not one of these, then please refer to the individual awarding body's documentation.

2. This is an exceptional appeals process. It is a result of the directions that the summer 2020 exam series for GCSE, GCE AS and A level qualifications should be cancelled following the COVID-19 outbreak and the subsequent arrangements made by the regulators to ensure that as many candidates as possible could receive qualifications based on calculated results.
3. The regulators were directed to develop an appeals process that focuses on the accuracy and application of the data provided, rather than challenge teachers' professional judgement on the ability of individual students. This aim sets the context within which the awarding bodies will handle appeals for the summer 2020 exam series, in accordance with the GQCovid Extraordinary Regulatory Framework published by the regulators.
4. Any concerns that a candidate or group of candidates may have been subject to bias or discrimination, should be raised directly with the centre and escalated through their complaints/internal appeals process. In addition, evidence of bias, discrimination or other improper action by a centre may be presented to an awarding body who may then investigate the matter as alleged malpractice.
5. This guidance applies solely to the appeal of a result issued in summer 2020. The JCQ document *A guide to the awarding bodies' appeals processes: Effective from 15 August 2019*, will still apply for the appeal of a finding of malpractice, or the sanction applied. Appeals against the outcomes of post-results services, access arrangements, reasonable adjustments and special consideration do not apply for the summer 2020 series.
6. These procedures are designed to meet the extraordinary regulatory framework conditions for summer 2020, together with the relevant general/standard and qualification level conditions, of the three qualification regulators for England, Wales and Northern Ireland (Ofqual, Qualifications Wales and CCEA Regulation). Their regulatory documentation underpins the awarding bodies' appeals processes.
7. Awarding bodies charge a fee for each stage of an appeal against results. Details of these fees can be obtained from the awarding body concerned. The fee will be refunded if the appeal is upheld, other than where the upheld ground of appeal is a centre error.

Who can appeal and when?

8. Except as set out below, appeals **must** be authorised by the head of centre, on behalf of any candidates for whom data has been provided for the purposes of calculating a grade in a relevant qualification. This includes private candidates. Before authorising the appeal for submission, the head of centre must be able to demonstrate that the centre has the written consent of all candidates on whose behalf they are appealing.

In England and Northern Ireland, candidates and/or their parents/carers cannot appeal directly to an awarding body. In Wales, as defined by Qualification Wales, private candidates for whom no centre assessment data has been submitted and whose results have been calculated by the awarding body may appeal directly to the awarding body.

Candidates in England, Northern Ireland or Wales who are not permitted to appeal directly to the awarding body may make representations to the head/principal of the centre which submitted information to the awarding body on behalf of that candidate. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeal arrangements.

Centres **must** have in place appropriate arrangements that allow for candidates to:

- a. apply to the centre to request:
 - relevant information from awarding bodies in respect of their result(s); and
 - submission of an appeal by the centre on their behalf; and
- b. appeal any decision by the centre that such a request should not be made, and for the centre to determine that appeal.

Centres must make candidates aware of these arrangements prior to results being issued, responding promptly, when requested, with information explaining the arrangements.

9. Appeals cannot be submitted before the published results day, must be supported by evidence and must provide a clear explanation of the basis for the appeal in all cases.
10. An appeal may be submitted if the head of centre considers that:
- a. the awarding body did not apply procedures consistently, or procedures were not followed properly and fairly; or
 - b. the awarding body used the wrong data in calculating results; or
 - c. the result generated was incorrectly issued by the awarding body to one or more candidates.
11. The wrong data under 10b includes where:
- the centre provided the awarding body with incorrect data (centre error); or
 - the awarding body used an incorrect data set, which includes the transposition of data sets from two or more centres (awarding body error); or
 - the awarding body introduced errors into a specified data set (awarding body error); or
 - in exceptional circumstances, the centre establishes an exceptional factor that undermines the assumption that using a default data set is the most appropriate basis to calculate results. This would require a centre to establish that its previous cohorts of candidates are not sufficiently representative of the 2020 cohort to reliably inform the calculation of results.

12. An appeal cannot be made in relation to an error in a data set specified by the regulators in requirements published under Condition GQCov3.2(a)(i) where that error was not introduced by the awarding body.
13. Possible scenarios for appeal, according to the detail of the grounds set out **in paragraphs 10 and 11** above, will be provided on the JCQ website - <https://www.jcq.org.uk/exams-office/appeals/>

How to appeal

14. The appeal process has two stages. First, the initial review (conducted by the awarding body); secondly, the independent review. All appeals must start by requesting an initial review. References here to "the centre" include references to a private candidate in respect of those in Wales who are permitted to appeal (**see paragraph 8**).
15. Awarding bodies will provide sufficient information to enable centres to make an informed decision as to whether to appeal. Such data will be provided with results or on request and awarding bodies may charge a fee for this information. Centres should refer to the individual awarding body's guidance for further detail about access to this information.
16. The data used to calculate results is categorised into the following groups:

A: Candidate data received from centre	B: Candidate and centre data put into the model by awarding body
Centre Assessment Grade (CAG) Rank Order (RO)	Centre Assessment Grade (CAG) Rank Order (RO) Historical data Prior attainment

(Please note that for CCEA qualifications, prior attainment data is only relevant to the award of AS grades.)

17. Centres should carefully consider the information provided and the possible grounds for appeal set out **in paragraphs 10 and 11**. If the centre has grounds to believe that there has been a failure in procedure, a data error or an administrative error, an application for appeal (including the evidence to support it) can be made to the relevant awarding body. Where data error is the ground for appeal the application must specify which of the data categories (A-B) is/are being challenged.
18. The head of centre must authorise the appeal application and be satisfied that all candidates on whose behalf the appeal is submitted have consented to the appeal. The appeal should be submitted as specified by the relevant awarding body. A list of awarding bodies' contact details is provided in **Appendix A, page 9**.
19. Where there is a cross awarding body cohort, the centre should contact the awarding body which issued the result(s).
20. **Applications for an initial review must be made by Thursday 17 September 2020.**
21. The appeal documentation must set out clearly and concisely the grounds for appeal and include the evidence the centre has to support the appeal. Awarding bodies may not accept appeals where the grounds and reasons are not clear.

22. Where an appeal is submitted in respect of Category A data (i.e. the candidate data submitted by the centre), the centre must provide evidence of their error and include the corrected candidate data which should have been provided to the awarding body originally, as well as an explanation of the reason why they made the error and how it occurred. **Corrected Category A data must be provided for the entire cohort.** The centre **must** raise all centre errors relating to the subject cohort in one appeal.
23. Where a centre believes there is a common error or issue which has affected more than one candidate in the cohort, the awarding bodies expect the centre to name all the candidates affected in a single appeal application, and not in individual candidate applications.
24. Any action taken by the awarding body to rectify an error identified as the result of an appeal could result in grades being raised or lowered or remaining the same for those candidates on whose behalf the appeal has been made. A centre **must** therefore obtain the written consent of all candidates for whom an appeal is being submitted and keep a record of that consent. This information does not need to be sent to the awarding body, but it may request the information at any point.
25. When an application for appeal is received, the awarding body will decide whether it will be accepted for initial review or not. The decision whether or not to accept the application for an appeal is based on:
 - whether the grounds for the appeal as put forward by the centre meet the criteria set out above;
 - whether sufficient or appropriate evidence has been provided in support of the appeal (particularly where the appeal is on the grounds of a centre error);
 - whether the appeal has been submitted within the published timescale;
 - whether the appeal has been authorised by the Head of Centre; and
 - compliance with any other requirements which may have been specified by the awarding body regarding the submission of an appeal.

Centres are asked to check that there are no errors in the centre data prior to submitting an appeal on other grounds.

26. If an application for an appeal is not accepted for initial review, the reason(s) for this will be communicated to the centre.

What happens during the initial review?

27. Depending on the grounds of appeal submitted, the initial review involves a check of the relevant data or procedure or process by a member of the awarding body's staff who is suitably competent to verify the procedure and process followed or the data used in reporting a result and who has no personal interest in the decision being appealed.
28. In order to protect the integrity of the process, further information and evidence may be requested, at the discretion of the awarding body, particularly where an appeal is made on the grounds that the centre made an error in the data it submitted (Category A Data). The reviewer may consider any guidance issued by the relevant regulator.
29. At the initial review, the case will either be rejected (disallowed) or upheld (allowed), in whole or in part. Whether the initial review is rejected or upheld, the centre may proceed to an independent review.
30. If the case is upheld, any necessary further action will be undertaken in order to correct/mitigate any errors. This may include action in respect of the results of other candidates affected but not named in the appeal, although their results will not be lowered where they have not consented to the appeal being submitted. Any such work will always be carried out in accordance with awarding body and inter-board JCQ agreed procedures.
31. The initial review outcome letter, detailing the awarding body's decision with reasons for the decision, will be sent to the centre. The letter will also detail the next stage of the appeals process. Following the initial review, the centre may apply to continue the appeal to an independent review.

How to request an independent review

32. Where the head of centre wishes to proceed to the next stage of the appeal (an independent review), a request **must** be sent electronically to the relevant awarding body.
33. **A request for an independent review must be made within 14 calendar days of communication of the initial review outcome letter. Awarding bodies will reject appeals made outside of this timescale.**
34. The head of centre must set out clearly and concisely the grounds for appeal and include all evidence they have to support the appeal.
35. Any candidate on whose behalf the appeal is submitted at this stage must have been subject to the initial review process.

What happens during an independent review?

36. An independent review will be undertaken by an independent decision-maker. The individual will not be directly employed by the awarding body, will not be an examiner or moderator working for the awarding body and will not be connected to the awarding body in any other way.
37. When a centre submits its independent review application, the awarding body reserves the right to produce material in response. If the awarding body does so, a copy of that material will be provided to the centre, for information, prior to any independent review outcome.
38. The independent decision-maker will be provided with any relevant guidance on appeals issued by the respective regulator, the centre's grounds for appeal and supporting evidence, the information made available to the centre by the awarding body, the initial review application, the outcome of the initial review and, where applicable, any material produced by the awarding body in response to the request for an independent review.
39. The independent review will take the form of a re-examination of the written evidence provided to and by the awarding body.
40. The test applied by the independent decision-maker will consider any guidance from the relevant regulator and will address whether:
 - the awarding body applied its procedures consistently, and its procedures were followed properly and fairly in reporting outcomes; or
 - the awarding body used the wrong data in calculating results; or
 - the result generated was incorrectly issued by the awarding body to one or more candidates.
41. The independent decision-maker will consider the grounds presented for the independent review and the information provided by the centre and the awarding body.
42. A member of awarding body staff will provide support to the independent decision-maker and will assist them in obtaining further information or clarification from either the awarding body or the centre where the independent decision-maker considers it necessary in order to come to a decision. The member of staff will have no personal interest in the decision being appealed and will take no part in the independent decision-maker's deliberations.
43. In reaching a decision, the independent decision-maker will apply the test set out **in paragraph 40**. Where appropriate, they will also consider whether any remedial action subsequently taken by the awarding body was sufficient to rectify the matter.
44. The independent decision-maker may decide to uphold (allow) the appeal or to reject (disallow) it. If the appeal is upheld, the decision-maker will refer the matter back to the appropriate awarding body staff for further consideration on such basis as the independent decision-maker may direct.
45. Irrespective of whether the appeal is upheld, the independent decision-maker may make recommendations to the awarding body on issues/concerns that emerged during consideration of the appeal.
46. The independent decision will be sent to the centre in writing, with reasons for the decision.
47. **The independent review will complete the awarding body's internal appeals procedures.**

Further avenues of appeal

48. **For centres (and certain private candidates in Wales, see paragraph 8)** where dissatisfaction remains with the decision as a result of the independent review, an appeal may be made to the relevant Exam Procedures Review Service (EPRS) and further detail about this will be provided in the awarding body's independent review outcome letter.
49. For further information on the EPRS application process, the relevant qualification regulator's website should be consulted.
50. **Appeals to the regulators must be made within the timescales specified by each regulator.**

Timescales

51. The awarding bodies aim to complete initial reviews within **42 calendar days** of the receipt of the application.

Wherever possible, awarding bodies will aim to complete initial reviews more quickly than 42 days to provide centres with the outcome as soon as possible. Particular efforts will be made where an initial review involves a candidate who requires the outcome because of a UCAS offer/deadline.

52. The awarding bodies also aim to complete independent reviews within **42 calendar days** of the receipt of the application.

Review of other administrative decisions

53. There may be other situations which have impacted on a candidate, but which would not be subject to the formal appeals process. Where these involve an element of judgement on the part of the awarding body, they may be subject to a review by awarding body officers.
54. In summer 2020, such administrative decisions may include a late entry request, after the reporting of results.
55. A head of centre who wishes to request such a review should refer to the JCQ document *A guide to the awarding bodies' appeals processes*, complete the form (JCQ/App1) and submit it to the awarding body using the contact details provided in the document.

Appendix A

Awarding body contact details

Any queries on the appeals process should be directed to the relevant awarding body's Customer Services Team.

AQA

To submit an initial review application, please download the AQA Standardisation Report for the subject you wish to appeal. The reports can be found in e-AQA Results > e-Documents. The report will contain a link to the initial review webform which you will use to submit your application.

To submit an independent review application, please follow the instructions in the initial review outcome letter and email your application to appeals@aqa.org.uk

City & Guilds

policy@cityandguilds.com

CCEA

For Initial Reviews - postresults@ccea.org.uk

For Independent Reviews - appealsmanager@ccea.org.uk

OCR

Centres should apply for an initial review using OCR Interchange - <https://interchange.ocr.org.uk/>

To submit an application for an independent review, please follow the instructions in the initial review outcome letter and email your application to 2020Appeals@ocr.org.uk

Pearson

Centres should apply to appeal using Edexcel Online - <https://edexcelonline.pearson.com/>

WJEC

Centres should apply to appeal using WJEC's secure website - <https://www.wjecservices.co.uk/>