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## PROCEDURE NO. 118

**TITLE:**

**EXAMINATIONS APPEALS PROCEDURE**

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### INTRODUCTION/OVERVIEW

This document sets out the processes for appealing against decisions made by the JCQ awarding bodies in relation to GCSE, GCE, Principal Learning and Project qualifications undertaken at New College Stamford.

Awarding bodies accept appeals in relation to four areas of their work. These are:

- Enquiries about results – when a centre (or private candidate) is dissatisfied with an examination result or results.
- Appeals against results – when a centre is still dissatisfied with an examination result or results following the enquiries about results process.
- Appeals against malpractice decisions – following a decision to apply a penalty because of malpractice in an examination/assessment.
- Appeals against decisions made in respect of access arrangements and special consideration.

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

This document devotes a separate section to each of these types of appeal. As there is a similarity of approach in the way all appeals are handled, this structure has inevitably led to some repetition in the presentation of the information. It is our hope, though, that this structure will assist the reader to a rapid understanding of the relevant process and the issues.

### STATEMENT:

#### 1. Fees

Awarding bodies will charge a fee for each stage of an appeal. Details of these fees can be obtained from the Examinations team. For some appeals the fee will be refunded (minus an administration charge) if the appeal is successful.

A general guide is:-

- Fees for scripts requested separately via Access to Scripts will always be charged.
- Review of Marking - Awarding bodies do not charge if your grade improves.
- Review of moderation - Awarding bodies do not charge if your centre marks are re-instated. In all other cases the full review of moderation fee will be charged whether or not specification marks or module marks change.
- Stage 1 and stage 2 appeals: Awarding bodies do not charge if you win your appeals.

## Resit Fees

- GCE per paper/coursework £25.00
- BTEC Level 2 Written test £25.00
- BTEC Level 3 Written test £40.00
- BTEC Level 2 On demand test £25.00
- Late fees for BTEC/GCE

Fees double after the cut of date for entries (dates will be made available to learners via the examinations noticeboard)

### City & Guilds Online Tests

- Plumbing £10.00
- Electrical £10.00
- Animal Care £25.00

### Construction Awards Online Tests

- £10.00

## 2. Enquiries about Results

If a candidate is dissatisfied with examination results and has reasons to suspect they may not be accurate, the first step to take is to make an enquiry about results to lecturing staff or the Director of Learning. The examinations staff will be able to process this with the awarding body on behalf of the candidate by contacting the Examinations Officer on extension 368.

### Access to Scripts

Reviewing a returned script with their teacher allows the candidate and their teacher to make a joint decision as to whether a review of marking (re-mark) is advisable.

**This is the recommended first stage in the process.**

Priority (copy) scripts can be requested for up to 7 days after the release of results. The script will be returned within 10 days.

Non-priority (original) scripts can be requested for a further 25 days. However, it can take up to 60 days (8 weeks) for the script to be returned. Awarding bodies always charge a fee for this service.

### Review of Marking

If on reviewing the returned script with their teacher it is felt that the result is not accurate then a candidate can request a review of marking (re-mark). The examinations staff will be able to process this with the awarding body on behalf of the candidate.

A priority review can be requested for up to 7 days after the release of results.

A non priority review can be requested for a further 25 days.

The College reserves the right to decide whether to financially support the enquiry. The Head of Department will make the initial decision to support and this may be appealed to the appropriate Director of Learning.

## 3. Appeals against the outcomes of enquiries about results

### Introduction

If a candidate is dissatisfied with examination results and has reasons to suspect they may not be accurate, the first step to take is to make an enquiry about results. The examinations staff will be able to process this with the awarding body on behalf of the candidate.

If doubts about the accuracy of the results still persist, following the enquiry about results process, it is possible to submit an appeal in line with the rules set down by the awarding body.

If an appeal is accepted by the awarding body, an investigation into the candidates' or centre's results and the awarding body's procedures will follow. An appeal investigation does not generally involve a further review of candidates' work.

If an original script has been returned to the centre under the Access to Scripts arrangements, it cannot subsequently form part of an enquiry about results or an appeal.

### Who can appeal?

Appeals are accepted from:

- Centres on behalf of single candidates or groups of candidates; therefore, New College Stamford students must process their appeal through the Examination team.
- Private candidates (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examining centre).

Please note that awarding bodies do not accept appeals from internal candidates and/or their parents or carers.

### How to appeal

The New College Stamford candidate should approach the examination team stating their request to appeal.

The head of a centre should submit a written request for a Stage 1 Appeal to the relevant awarding body.

Appeals must be made within two calendar weeks of receiving the outcome of the enquiry about results. This time scale is determined by the regulators and does not make allowance for the time the centre may be closed for holidays.

The head of centre submitting the appeal must set out as clearly as possible the nature of the concern. The Code of Practice issued by the regulators states that appeals should focus on whether an awarding body has:

- used procedures that were consistent with the Code of Practice;
- applied its procedures properly and fairly in arriving at judgements.

When an application for an appeal is received, the awarding bodies will have various mechanisms for deciding whether it will be accepted or not. An awarding body may refer the application to a committee or sub-committee. Alternatively, a senior officer in an awarding body may make the decision.

The decision whether or not to accept the appeal is based on:

- the grounds for the appeal put forward by the centre or private candidate;
- whether an enquiry about results has been completed;
- the timescale of the application.

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

### What happens during a Stage 1 Appeal investigation?

Stage 1 of the Appeals Process involves an examination of the case by a senior officer of the awarding body who has not had any previous involvement with the matter. This investigation will take into account the written submission from the appellant. It will also include a check on all the awarding body procedures that were followed in arriving at the result(s) awarded, whether those procedures were compliant with the Code of Practice and whether they were applied fairly.

The procedures which are open to investigation include the full range of processes involved in, and leading to, the award of grades. The appeals process is not directly concerned with making judgements about the quality of candidates' work since this is the responsibility of senior examiners and moderators.

An appeal investigation does not generally involve a further review of the candidates' work, but such action may be authorised following the Stage 1 or Stage 2 Appeal.

After the investigation the appeal will either be rejected (disallowed) or upheld (allowed). If the appeal is upheld (allowed), 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 the Code of Practice and JCQ agreed procedures.

A report on the Stage 1 Appeal investigation containing the awarding body's decision will be sent to the head of centre or private candidate.

All JCQ awarding bodies will deal with Stage 1 Appeals as expeditiously as is consistent with a thorough exploration of the case.

### Stage 2 Appeals

If the head of centre remains dissatisfied with the outcome of the Stage 1 Appeal, a written request (using the form, JCQ/APP 1) for a Stage 2 Appeal should be sent to the relevant awarding body.

A request for a Stage 2 Appeal must be made within two calendar weeks of receipt of the Stage 1 Appeal outcome letter. This time scale is determined by the regulators and does not make allowance for the time the centre may be closed for holidays.

The Stage 2 Appeals process is designed to ensure that the head of centre or private candidate has a formal opportunity to present their case to an impartial body appointed in accordance with the Code of Practice. The head of centre may wish to delegate this to a member of the centre's staff.

For a Stage 2 Appeals hearing, awarding bodies typically convene a panel of 3 or 4 people, drawn from a larger pool of individuals who are not directly employed by the awarding body 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 other responsibilities with that awarding body for at least the previous five years.)

### Timescales

The awarding bodies aim to complete both Stage 1 and then (unless the outcome leads the appellant to withdraw the application) the Stage 2 hearing within 50 working days\* of the lodging of the original appeal request. \*Any working days falling between 25 December and 1 January inclusive will be excluded from the allowed 50 working days.

The awarding bodies aim to complete all Stage 1 and Stage 2 Appeals arising from the June examination series by 14 February in the following calendar year and on any examinations taken in other series to a comparable schedule.

## **4. Appeals against Decisions made in Cases of Malpractice**

### Introduction

Malpractice is a term used to describe all forms of irregularity or breaches of the regulations in examinations and assessments, e.g. plagiarism in coursework, the introduction of unauthorised material into the examination room or maladministration.

Appeals may be initiated against a sanction imposed by the awarding body in cases of malpractice. It is not possible to appeal against a decision to take no further action.

### Who can Appeal?

Heads of centres may appeal against sanctions affecting the centre or members of its staff (including contracted workers), and on behalf of candidates entered or registered through the centre.

Members of the centre's staff or personnel contracted to a centre (e.g. external invigilators) may appeal against sanctions imposed on them.

Private candidates may appeal against sanctions imposed on them.

Third parties who have been barred from taking examinations or assessments with an awarding body may appeal against that decision.

Please note that internal candidates and/or their parents/carers are not entitled to appeal directly to the awarding body. Representations must be made to the Head of Centre via the Examination team. The head of centre's decision as to whether to proceed with an appeal is final.

### How to Appeal

The candidate should approach the Examination team and notify them of their wish to appeal. The appeal request will be passed to the head of centre.

The head of centre will decide if the appeal should proceed.

If the appeal is lodged, the head of centre or a member of staff should submit a written request for an

appeal to the relevant awarding body.

Appeals must be made within two calendar weeks of receiving the malpractice decision. Awarding bodies will reject appeals made outside of this timescale.

The head of centre or member of staff submitting the appeal must set out as clearly as possible the grounds for the appeal and must submit any further evidence relevant to supporting the appeal.

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 in the JCQ publication Suspected Malpractice in Examinations and Assessment;
- Further evidence (including medical evidence) has come to light which changes the basis of the decision.

The following do not, by 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 university place.
- The individual regrets his/her actions.

Awarding bodies reserve the right to refuse to accept an appeal application at this point if there is no further evidence to consider and if the grounds for the appeal are weak or unjustified.

#### Timescales

All appeals will be dealt with as expeditiously as is consistent with a thorough exploration of the case.

### **5. Appeals relating to access arrangements and special consideration**

#### Introduction

The awarding bodies recognise that there are some candidates who are prevented from demonstrating their achievement because of:

- A permanent or long-term disability, learning difficulty or medical condition;
- A temporary disability, illness or indisposition immediate to or at the time of the examination;
- English being a second or additional language;
- The immediate circumstances of the assessment.

Access arrangements are approved before an examination or assessment and are intended to allow attainment to be demonstrated.

Special consideration is given following an examination or assessment to ensure that a candidate who has a temporary illness, injury or indisposition or who is otherwise disadvantaged by the immediate circumstances of the examination, is given some compensation.

If the head of centre/private candidate disagrees with the decision made, a written request setting out the grounds for a Stage 1 Appeal should be forwarded to the relevant awarding body.

#### Who can Appeal?

Appeals are accepted from:

- Heads of centres on behalf of a candidate or groups of candidates.
- Private candidates.

Please note that internal candidates and/or their parents/carers are not entitled to appeal directly to the awarding body. Representations must be made to the Head of Centre via the Examination team. The head of centre's decision as to whether to proceed with an appeal is final.

#### How to Appeal

The candidate must make a representation to the Head of Centre via the Examination team.

Before undertaking an appeal, the head of centre may discuss the situation with the awarding body officers responsible for appeals. Such discussions will sometimes resolve the matter without recourse to appeal.

The appeal request must be made within 2 calendar weeks of receiving the original decision letter, and

should set out the grounds for the appeal. This time scale is determined by the regulators and does not make allowance for the time the centre may be closed for holidays.

#### What happens during a Stage 1 Appeal Investigation?

The Stage 1 Appeals investigation involves a fresh examination of the case by a senior officer or officers of the relevant awarding body. The officer will not have had a previous connection with the case. The Stage 1 Appeal review will take into account the written submission from the appellant and will involve a review of all relevant guidance, any precedent and the procedures that were followed in arriving at the decision being appealed.

The awarding bodies will deal with Stage 1 Appeals as expeditiously as is consistent with a thorough exploration of the case. The outcome of the appeal will be reported as soon as it is available.

A letter containing the awarding body's decision and summarising the results of the Stage 1 Appeal review will be sent to the head of centre/private candidate when the Stage 1 Appeal review is complete.

#### Stage 2 Appeals

If the head of centre/private candidate disagrees with the outcome of the Stage 1 Appeal, a written request for a Stage 2 Appeal hearing should be sent to the relevant awarding body. The awarding body will make arrangements for a hearing before a Stage 2 appeals panel.

This appeal request should be made within two calendar weeks of receiving the outcome of the Stage 1 Appeal. This time scale is determined by the regulators and does not make allowance for the time the centre may be closed for holidays.

#### Further Avenues of Appeal

The decision of the Stage 2 panel regarding access arrangements refused prior to examinations will be final. The Examinations Appeals Board (EAB) does not hear appeals against decisions about Access Arrangements in advance of examinations.

The EAB may, at its discretion, be willing to hear such appeals after the issue of results. Heads of centres/private candidates should contact the EAB directly for further advice.

In relation to special consideration appeals, the EAB may, at its discretion, be willing to hear an appeal. Heads of centres should contact the EAB directly for advice. If the EAB declines to hear an appeal, the decision of the awarding body's Stage 2 appeals panel will be final.

#### Timescales

All appeals will be dealt with as expeditiously as is consistent with a thorough exploration of the case.

### **6. Student Appeals against Centre Decision not to Support an 'Enquiry about Results' (EAR)**

In cases of enquires about results, where the college does **not** uphold a request for such an enquiry, the student must pay to have an enquiry carried out.

- The College will advise the candidate that results can go up or down.
- The College will ensure the Head of Department signs a form acknowledging the EAR.
- The College will also ensure the candidate signs a form stating they understand the EAR policy and giving their consent for the submission of the EAR.

If the College does not feel that it can support a request for a re-mark, a student can still have the work re-marked by the examination board but will have to pay for this in advance. The fee is refunded if the appeal is successful. Written permission from the student and acknowledgement of the risks will be required for any re-mark as the score (and therefore grade) can go down as well as up.

All decisions on whether to make an application for an EAR will be made by the Principal or Deputy Principal Curriculum and Quality.

All processing of EARs will be the responsibility of the Exams Officer, following the JCQ guidance.

### **7. Review of Administrative Decisions**

During the processing of any examination series, circumstances arise that cause awarding bodies 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 body officers. Heads of centres who are

concerned by any such administrative decisions should contact the relevant appeals manager to discuss their concerns.

The more common types of 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 estimated marks
- Decisions taken in relation to extensions to result enquiries

#### **IMPACT ASSESSMENT:**

This policy has been assessed and considered for impact upon people who share the following protected characteristics and factors: race, gender and gender identity, disability (including learning difficulty), religion and belief, sexual orientation, age, pregnancy, maternity and marital status.

#### **EQUALITY IMPACT ASSESSMENT SUMMARY**

This policy has been impact assessed and has identified the following:

- Negative impacts (N)
- Appropriate actions/mitigations to address the negative impacts have been put in place (N/A)
- Positive impacts (Y)

For further detail of the impacts and associated actions, please see the EIA which is attached to the filed copy of this document.

#### **LINKED POLICIES:**

BTEC Appeals Procedure  
NVQ Appeals Procedure

#### **MONITORING PROCEDURE:**

#### **RESPONSIBILITY:**

Head of MIS and Examinations Officer

#### **ENDORSED BY EXECUTIVE:**

*Janet Meenaghan*

**Principal**

**7 September 2017**

**Date**