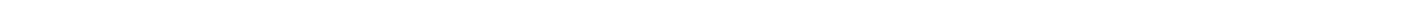




Joint Council for
Qualifications^{CIC}

Summer 2021 FAQs Appeals



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What are the grounds for appeal this summer?

The grounds for appeal that will be considered as part of Stage One (the centre review) are that:

- the centre made an administrative error and/or
- the centre made a procedural error, including but not limited to any concerns about access arrangements/reasonable adjustments and/or mitigating circumstances.

At Stage Two (the appeal to the awarding organisation) the grounds are that:

- there was an administrative error by the awarding organisation
- there was a procedural issue at the centre, including but not limited to any concerns about access arrangements/reasonable adjustments and/or mitigating circumstances, and/or the centre did not follow its procedure properly and consistently in conducting its centre review
- there was an unreasonable exercise of academic judgement in relation to the selection of evidence
- there was an unreasonable exercise of academic judgement in relation to the determination of the Teacher Assessed Grade

When submitting a request for an appeal the student must select all the grounds that they want the centre and the awarding organisation to consider.

What is the process for appeals this year?

At Stage One (the centre review stage) the centre will consider the points the student has raised in respect of suspected administrative or procedural errors or both. Once they have considered the review they will provide the student with a rationale for their decision. As part of that consideration they will also decide whether the grade in question needs to change or not. If they believe the grade needs to change, they will submit this information to the awarding organisation along with their rationale. The awarding organisation will review what has been provided and decide whether or not to issue the new grade.

At Stage Two (the awarding organisation appeal) an individual at the awarding organisation who has no personal interest in the case will review the case and, depending on the grounds, they will consider all available evidence in order to check whether there has been an administrative or procedural error. If the appeal ground is on the basis that there was an unreasonable exercise of academic judgment the awarding organisation will arrange for an independent reviewer who is a subject expert to review the evidence and any other relevant information provided in the case. They will take a holistic view on the reasonableness of the centre's academic judgement and they will provide a rationale explaining the outcome of the review.

The possible outcomes of an awarding organisation appeal are that:

- the appeal is rejected (and there is no change of grade)
- the centre is required to take further action, e.g. review how they took account of a mitigating circumstance

- the centre is required to provide alternative evidence if the existing range is not deemed to be a reasonable exercise of academic judgment
- the awarding organisation issues a new grade (which may be higher or lower than the original grade).

Do centres have to conduct a centre review or submit an appeal if a student has asked for one? Is this the same for private candidates?

Students, including private candidates, have the right to request a centre review and an appeal to the awarding organisation, if they wish. Once a student has requested a centre review, the centre must conduct it and provide an outcome to the student. If, following the completion of the centre review, the student wishes to proceed to an awarding organisation appeal they have the right to do so.

Appeals to the awarding organisation should be submitted by the centre on the student's behalf, including private candidates. A student or their parents/guardians cannot appeal directly to the awarding organisation. Appeals submitted by students or parents directly to an awarding organisation will not be processed and will need to be re-submitted via the centre. This may risk priority appeals not being completed in time for those with a higher education place dependent on the outcome of the appeal.

A priority appeal is only for students applying to higher education who did not attain their firm choice (i.e. the offer they accepted as their first choice) and wish to appeal an A level or other Level 3 qualification result. Priority appeals will include students who did and didn't attain their insurance choice (i.e. the offer they accepted as their second choice).

Is there grade protection for students this summer?

No, there is no grade protection for students this summer. A centre review or an appeal to the awarding organisation may result in a student's grade going up, staying the same or going down. Students must consent to a centre review or awarding organisation appeal.

It is also worth noting that once a centre review or appeal decision has been made, a student cannot withdraw their application for the centre review or appeal to the awarding organisation.

What information are centres allowed to share with students prior to results day?

As detailed in the *JCQ Guidance on the determination of grades for A/AS Levels and GCSEs for Summer 2021*, the need for centre reviews and awarding organisation appeals should be reduced if a centre shares the following information with students:

- a. the sources of evidence that will be used to determine their grade (i.e. the list of evidence used for each subject/student, not copies of the actual student work) along with (and where deemed appropriate by the centre) any grades/marks associated with them. This transparency will allow students to identify any errors or highlight circumstances relating to pieces of evidence and should reduce the number of instances where students request a centre review or awarding organisation appeal once results have been issued
- b. the centre policy and any supporting documentation
- c. details of any variations in evidence used based on disruption to what a student was taught

- d. details of any special circumstances that have been considered in determining their grade, e.g. access arrangements/reasonable adjustments or mitigating circumstances such as illness.

We recommend centres share this information with students before results day.

There are also FAQs on what **must not** be shared with students prior to results day and what **must** be shared.

What information mustn't centres share with students prior to results day?

Students **must not** be told the final Teacher Assessed Grade that has been submitted to the awarding organisation. Grades must only be shared with students on the published results date once the awarding organisation has issued the final grades in August.

Please note that where the qualification is an Extended Project Qualification or consists of a single portfolio, the candidate **must not** be informed of the grade for that piece of evidence prior to the published results date.

Provision of the Teacher Assessed Grade to any student, or other party, before the agreed date for release of results, will be viewed as malpractice and appropriate action will be taken by the relevant awarding organisation.

There are also FAQs on what centres **are allowed to** share with students prior to results day and what centres **must not** share with students prior to results day.

What information must a centre share with students prior to results day?

Before results are issued, centres must take all reasonable steps to ensure all students, including Private Candidates, have information about the arrangements in place for conducting centre reviews and submitting appeals to the awarding organisation following a centre review, including providing them with a statement of the arrangements promptly when requested.

What information must a centre share with students on or after results day if a student requests it?

If a centre has not shared the information below before results day, it must be prepared to do so on or after results day if a student requests it:

- a. the sources of evidence that were used to determine their grade (i.e. a list of the evidence used for each subject/student) along with any grades/marks associated with them. (This transparency will allow students to identify any errors or highlight circumstances relating to pieces of evidence.)
- b. the centre policy and any supporting documentation
- c. details of any variations in evidence used based on disruption to what a student was taught
- d. details of any special circumstances that have been considered in determining the student's grade, e.g. access arrangements/reasonable adjustments or mitigating circumstances such as illness.

Do centres have to get consent from students before they conduct a centre review or submit an appeal to the awarding organisation?

Yes. It is vital that schools and colleges have the consent of a student before they conduct a centre review post results or submit an appeal on a student's behalf. The outcome of a centre review or appeal could be that the student's grade goes up, stays the same or goes down. It is therefore important that the student knows this and has consented to the centre review post results or an appeal to the awarding organisation.

Centres do not need to get consent from students if they are conducting checks before results are issued, e.g. checks for procedural or administrative errors.

Can a centre conduct checks for the centre review ahead of results day if they wish to?

Yes. You may, if you wish, tell students they have the opportunity to let you know ahead of results day if they have any concerns about the process, so that you can ensure the process has been followed correctly in their case. Alternatively, you may wish to check for procedural or administrative errors ahead of results day for all students, regardless of whether a specific concern has been raised. Such approaches will ensure students get the right grades on results days and reduce the need for appeals as you will be able to contact the awarding organisation to correct any errors before results are issued. These approaches will also ensure that you can respond promptly to requests for centre reviews and reduce the time that you and your staff spend on any centre reviews and appeals following results days.

Where you have carried out checks ahead of results day, you do not need to repeat these checks if a student submits a request for a centre review once results have been issued. However, you should always consider any specific points raised by the student in their request, to make sure that the concerns raised have been addressed by the checks already carried out. In cases where a student raises an issue that hasn't been considered in checks that were conducted in advance of results day, then this new issue will need to be considered for the centre review to be completed.

Who should conduct centre reviews?

Centres are best placed to decide who should conduct centre reviews as this may depend on when the centre decides to check that their procedures were followed properly and consistently, and that their documentation is accurate. These checks may take place before or after results have been issued, prompted by a student or a centre's own quality assurance processes. **Appendix C** in the JCQ document *A guide to appeals processes, Summer 2021 series* is a list of documentation centres can check to ensure their documentation is complete and easily accessible to staff who will be completing centre reviews and submitting appeals. **Appendix F** in the same document is a list of procedures centres can check. Both of these appendices are optional support for centres.

If a centre has completed procedural and administrative checks in advance, it does not need to repeat the exercise after results day as long as the issue raised by the student has been addressed by the checks carried out previously and the records are available and provided to the awarding organisation in the event of an appeal to the awarding organisation. In cases where a student raises an issue that hasn't been considered in checks that were conducted in advance of results day, then this new issue will need to be considered for the centre review to be completed.

Do schools and colleges need to notify exam boards of the outcome of a centre review?

If the student does not wish to proceed to the next stage of the appeals process and appeal to the awarding organisation, there is no requirement for a centre to notify an awarding organisation about the outcome of a centre review.

Where the student does wish to proceed to an awarding organisation appeal, the centre will be required to confirm that the centre review has been completed and provide information about the outcome of the centre review.

Appendix B in the JCQ document *A guide to appeals processes, Summer 2021 series* is a student request form for centre reviews and appeals to awarding organisations that includes all the information centres will need to capture. It is an optional form to support centres.

If a centre finds an error which has affected a student's grade (while conducting a centre review for example), does the centre need to submit an error correction to get the grade changed?

Where a centre identifies an error prior to results being issued, it should contact the relevant awarding organisation to have the error corrected. Centres do not need to get consent from students if they are conducting checks before results are issued, e.g. checks for procedural or administrative errors.

Once results have been issued, if the centre identifies an error during a centre review, it should apply to the awarding organisation to have the error corrected and provide information to support the amendment. The student must consent to the centre review to confirm they understand that their grade may go up, stay the same or go down as an outcome of the review.

There may also be cases where the centre identifies an error related to a student who has not consented to a centre review or awarding organisation appeal. In these cases, the centre should follow the guidance in **Appendix D** of the JCQ document *A guide to appeals processes, Summer 2021 series*. This appendix provides guidance for centres on changing grades following the issue of results.

What happens if a centre doesn't have all of the assessment evidence used to generate a Teacher Assessed Grade, e.g. it has been lost?

Where a centre does not have all the evidence used to generate a Teacher Assessed Grade, an awarding organisation will consider the available evidence when determining the outcome of the appeal. This may affect the extent to which the awarding organisation can review the centre's decision. Where no evidence has been retained (or has been lost due to an unforeseen situation) the awarding organisation may need to determine the outcome of the appeal, solely on the marks/grades on which the grade was determined. The appeal will be based on the available evidence.

What are the deadlines for conducting centre reviews and submitting appeals to the awarding organisation?

Sections 9 and 10 of the JCQ document *A guide to appeals processes, Summer 2021 series* provide details of the relevant timescales for appeals.

The suggested timescales for students to request centre reviews are **16 August 2021** for priority cases and **3 September 2021** for non-priority cases. Centres may set their own internal deadlines for centre reviews and submitting appeals, but should allow requests that are submitted by the JCQ deadlines for appeals to awarding organisations.

Priority appeals must be submitted to the awarding organisation by **23 August 2021**. Non-priority appeals must be submitted by **17 September 2021**. Centres may choose to set their own earlier internal deadlines, but should allow requests from students that are received within the JCQ deadline for appeals to awarding organisations.

Priority appeals that aren't submitted to the awarding organisation by 23 August 2021 will still be treated as a priority but they may not be completed in time for those with a higher education place that is dependent on the outcome of the appeal.

A priority appeal is only for students applying to higher education who did not attain their firm choice (i.e. the offer they accepted as their first choice) and wish to appeal an A level or other Level 3 qualification result. Priority appeals will include students who did and didn't attain their insurance choice (i.e. the offer they accepted as their second choice).

Where students make requests to centres after the JCQ deadlines for appeals to awarding organisations, centres should determine whether there have been exceptional circumstances that warrant accepting the request. If requests are then submitted to awarding organisations, the awarding organisation will judge whether to accept the appeal and process it.

How long will it take awarding organisations to conduct an appeal?

For priority appeals where a higher education place is dependent on the outcome of the appeal, awarding organisations will aim to process these appeals by the UCAS advisory deadline of 08 September 2021, providing the appeal is submitted to the relevant awarding organisation by 23rd August 2021. Priority appeals that aren't submitted to the awarding organisation by 23 August 2021 will still be treated as a priority and awarding organisations will endeavour to process them as promptly as possible. There is, however, a risk they may not be completed in time for those with a higher education place dependent on the outcome of the appeal. Centres should contact the awarding organisation if, in exceptional circumstances, they are unable to meet this deadline.

For non-priority appeals awarding organisations will aim to complete the process within 42 calendar days of receipt of the application.

Due to the nature of appeals this year, awarding organisations may require additional input from centres, and it may not always be possible to meet these timescales.

How long must centres retain assessment evidence related to Teacher Assessed Grades this summer?

Centres must retain the assessment evidence related to Teacher Assessed Grades at least until all centre reviews and appeals have been completed. Beyond that centres will need to consider this question in relation to their own data retention policies.

Evidence of a student's performance not used to determine grades, could still be required for the appeals process in exceptional cases where the awarding organisation deems the selection of evidence to have been unreasonable. Where such evidence still exists at the time the *JCQ guidance on appeals process, summer 2021* was published, it should not be destroyed/deleted or returned to the student. If a student appeals because they believe their centre made an unreasonable exercise of academic judgement in selecting the evidence used, alternative evidence may need to be submitted to an awarding organisation. This alternative evidence could be highlighted by a student when a centre shares information with them regarding the determination of their grade or as part of an appeal.

Which appeals will be considered to be a 'priority'?

A priority appeal is only for students applying to higher education who did not attain their first choice (i.e. the offer they accepted as their first choice) and wish to appeal an A level or other Level 3 qualification result. Priority appeals will include students who did and didn't attain their first choice (i.e. the offer they accepted as their second choice).

What can a student or centre do if they think the outcome of an appeal is wrong?

Following the conclusion of the awarding organisation's appeal process, a student who remains concerned their grade was incorrect may be able to apply for a procedural review to the Exam Procedures Review Service (EPRS) provided by the relevant regulator. EPRS processes are provided by CCEA Regulation (Northern Ireland), Ofqual (England) and Qualification Wales.

How do you expect centres to use Appendix B of the *JCQ Guide to appeals processes, summer 2021* document?

Centres can use Appendix B to capture the student's request for a centre review, the outcome of the centre review, and (where necessary) the student's request for an awarding organisation appeal - all within a single document. The centre could provide the student with an electronic or hard copy version of the form at the start of the process and complete subsequent sections as appropriate. However, use of the form is optional and centres may wish to adapt its use to better suit their own centre review process or develop their own version of a form that works for them/their students. For example, a centre may ask the candidate to complete the first section when requesting a centre review, but prefer to capture their outcome in the form of a letter to the candidate.

What does the centre review outcome 'partially upheld' mean in Appendix B?

If a student has raised more than one concern, the centre may uphold one, but not all, of the student's concerns. In this case the outcome should be marked as 'partially upheld' and the centre review outcome should make it clear to the student which of their concerns have been upheld. For example, the student may have asked the centre to review for both an administrative error in the recording of a mark and a procedural error in the application of an agreed access arrangement. Having checked for both, the centre may have found no administrative errors but found a failure to apply the agreed access arrangement for one of the pieces of evidence – in this case, the review would be partially upheld due to the procedural error.

How can a centre appeal a decision the awarding organisation has made in the quality assurance process?

Where, as a result of the TAG external quality assurance process, there is a disagreement between the centre and the awarding organisation in relation to professional judgements made, the decision will be escalated to a senior awarding organisation representative, prior to the issuing of results, for a final review. There is no subsequent right of appeal to the awarding organisation but any ongoing concerns may be raised through the awarding organisation's formal complaints process, details of which can be found on the relevant awarding organisation website.

In the event that a centre identifies an error and lowers a student's grade after results day, can a student appeal this decision?

A student who finds themselves in this position can submit a request for an appeal on the ground of academic judgement or procedural error so the awarding organisation can check whether the grade awarded to them is reasonable and/or whether the relevant procedures were followed. This must be submitted by the centre, on the student's behalf, after they have received the outcome of the centre review.

Can students make multiple appeals for the same qualification?

Students can submit one appeal per qualification to the awarding organisation so it is important that all applicable grounds for appeal are selected at the point of the original review/appeal submission. This is important because it will enable the awarding organisation to check all relevant aspects of the appeal at the same time, it supports accurate decision making and should take less time to process than if students were able to submit multiple appeals on separate grounds.

Students should only select the ground for which they have a genuine concern that an error has been made. An appeal to the awarding organisation on the grounds of an unreasonable exercise of academic judgement in the determination of the grade is likely to be completed more quickly than an appeal made both on that ground and the ground of a procedural failure, which may require two decision-makers. This is a particularly important consideration for students who require a priority appeal decision. For all grounds of appeal, grades may be lowered or stay the same as a result of an upheld decision, as well as be increased.

What should centres do in cases where a staff member has left the centre but is needed for a centre review or appeal to the awarding organisation, e.g. to decide whether a procedural failure or administrative error affected the grade submitted to the awarding organisation?

Centres should have a contingency plan in place to cover situations where staff members have left the centre or are otherwise unavailable to assist with a review or appeal. The process for determining and submitting grades will have included sign off by a second individual and there should be an audit trail to help explain any decisions made by the absent staff member. Appendix C to the *JCQ Guide to appeals* for summer 21 is an optional evidence checklist that may also help schools to proactively manage the impact of staff absences on the appeals process. Staff members who will be leaving the school prior to the appeals process can complete this before they leave and it will advise others where key evidence is stored.

In exceptional cases, where the centre feels unable to progress the review or appeal, they should contact the relevant awarding organisation for further advice.

Why aren't GCSEs in English and maths a priority for appeals?

The subjects that can be included as part of a priority appeal are those that are included in the priority process for reviews of results in years when exams take place. In summer 2021, this allows for a priority appeal for any A level or Level 3 qualification for students applying to higher education who did not attain their firm choice. Where a place also depends on confirmation of GCSE results, we advise learners to speak to the institution concerned to let them know an appeal has been submitted.

Can a student request that a centre remarks or conducts a review of marking of their work as part of the centre review?

It is not permitted for centres to revisit their academic judgment during the centre review process and this includes the reviewing or remarking of students' evidence. Centre reviews must be made on procedural or administrative grounds. Any student concerns about an unreasonable exercise of academic judgement can be raised as the grounds for an awarding organisation appeal following the centre review.

Do centres have to return copies of student work that contributed to their TAG if requested?

To help them understand whether or not to appeal, students will need to have the list of work that was used to determine their Teacher Assessed Grade and the marks/grades associated with each piece of work. This information must be provided on request if it hasn't already been provided prior to results day.

If students do not already have copies of the pieces of work, it is possible they may also ask centres to provide these. Where students make requests for copies of their work on or after results day in order to assist them in deciding whether or not to submit a request for a centre review or appeal, we recommend that centres aim to accommodate these requests where this is possible. However, original pieces of work should not be returned at this stage and copies should be provided instead. (Please see our FAQ 'How long must centres retain assessment evidence related to Teacher Assessed Grades this summer?' for more information about retaining evidence.)

For more information about what centres must share and what they don't have to share with students as result of a Subject Access Request under the Data Protection Act 2018 please visit the ICO's website: <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/exam-script-exemption-guidance-for-teachers-and-schools/>

Is there any guidance on charging candidates for a centre review?

DfE has communicated that appeals (of which a centre review is Stage 1) should be free for candidates in state-funded centres and for private candidates. DfE is providing funding to awarding organisations for formal appeals of teacher assessed grades submitted to them by state-funded providers, and also for formal appeals submitted on behalf of private candidates by any provider in England. Centres will therefore not need to pay a fee to awarding bodies in such instances when submitting their appeal. Exceptionally this year, DfE is also providing funding for teachers to process priority appeals, which is available to state-funded centres and those submitting appeals for private candidates in England.

Centres should be mindful of their responsibilities under the Equalities Act 2010 if considering charging candidates for a centre review.