

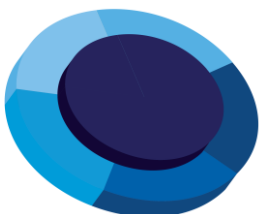
# Harpurhey Alternative Provision School

979-981 Rochdale Road, Manchester M9 8AE

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## Harpurhey Alternative Provision School

# APPEALS PROCEDURE FOR INTERNALLY ASSESSED WORK AND FINAL RESULTS.



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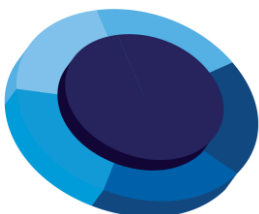
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## Introduction

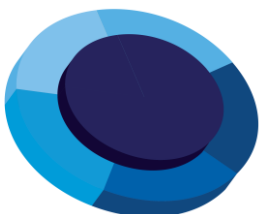
The Board of Trustees recognise that there can, on occasions, be a difference between the mark awarded by a teacher and that anticipated by the students. Equally, there may arise situations where the school, a student or parent/carer feel that the resulting grade is not what they expected. Throughout any appeal or consideration, the school will rely on the advice and guidance contained in the relevant JCQ documents. If such a situation arises, the following protocol will be observed.

## Internal Appeals Procedure against Internal Assessment Awards

This guidance relates to any appeal against an internal assessment, conducted by the centre, which is submitted to the Awarding Body to contribute to a GCSE or BTEC award.

A fee is payable for such an appeal, refundable in the event of the internal assessment being assessed at a higher grade.

1. All candidates are to be informed in writing, when they receive their examination timetables, that an appeals procedure relating to internal assessment exists within the centre, and that they have access to a copy of this procedure if they so require.
2. The Examinations Officer is responsible for the dissemination of this information.
3. When received, an appeal will be considered by an appeal committee. This will be made up of the Principal, the member of staff who made the assessment (or another member of the department, if the assessor is also the Head of Department), and the Examinations Officer.
4. The candidate will be allowed to have a supporter in the presentation of their case to the appeal committee. The supporter may be a parent, guardian or friend.
5. In addition the candidates will be able to gain access to:
  - The marks awarded to them by the centre to their internal assessment.
  - All comments recorded by the centre to their internally assessed work.
  - Any correspondence between the centre and the Awarding Body.
  - Information, if available at the time of the appeal, as to whether their work was sampled by the Awarding Body.
  - The moderated mark given to the work by the Awarding Body, if known.
  - Relevant Award Body procedures for the conduct of internal assessments.
6. Appeals will include a review of the procedures used by the centre to award marks for internal assessments, and will consider whether those procedures conformed with the published requirements of the Awarding Body and Code of Practice.
7. A written record of the appeal, which includes the outcome and the reasons for the outcome, will be retained by the centre. A copy will be sent to the candidate.
8. Appeals have to be resolved by the last externally assessed paper of the series (usually by the end of June for the summer series).



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9. The centre will inform the Awarding Body of any outcome of an appeal, which has implications for the conduct of the examination, or the issue of the results at the centre.
10. The centre will provide the details of any appeal to the Awarding Body on request.

## Appeals Procedure against externally assessed awards

With regards to final results, awarding bodies accept appeals in relation to three areas of their work. These are:

- **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.**

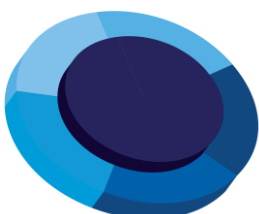
In addition, some other administrative decisions, such as in cases of missing scripts, may be subject to review by awarding body officers.

Awarding bodies may charge a fee for each stage of an appeal against the outcome of an enquiry about results. Details of these fees can be obtained from the school. The fee will be refunded/waived if the appeal is upheld.

## Appeals against the outcomes of enquiries about results

### Introduction

If a head of centre or private candidate is dissatisfied with examination results and has reasons to suspect they may not be accurate, the first step is to make an enquiry about results. The school can provide full details of the process should parents/carers wish to pursue an appeal. The best advice can often be gained from the teachers responsible for the delivery of the subject but parents/carers are advised that the school will pursue any sensible request from the candidates themselves or their parents/carers. Successful appeals are the



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result of much painstaking work and should only be pursued if it is in the interests of the candidate and when there is viable evidence to support the appeal.

If a head of centre or private candidate is dissatisfied with examination results following the outcome of the enquiry about results process, the head of centre or private candidate should refer initially to the regulator's Code of Practice and the JCQ publication Post Results Services – Information and guidance to centres. If after consulting these documents, the centre or private candidate is convinced that the awarding body has not followed due procedures, it is possible to submit an appeal in line with the procedures set out here.

If an application for an appeal is accepted, an investigation into 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 hard copy script has been returned to the centre under the Access to Scripts service, it cannot form part of an enquiry about results or a subsequent appeal.

## Who can appeal?

Appeals can only be submitted by:

- a head of centre on behalf of a candidate or a group of candidates;
- a private candidate (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examination centre).

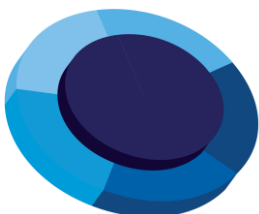
Please note that internal candidates and/or their parents/carers are not entitled to appeal directly to the awarding body. Representations must be made to the head of centre where the candidate was entered or registered. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeals arrangements.

## How to appeal

The head of a centre or a private candidate 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 or private candidate must set out clearly the grounds for the appeal. The appeal must specify which procedures have not been properly and fairly applied.



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The Code of Practice issued by the three regulators (Ofqual, Qualifications Wales and CCEA) 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, an awarding body 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, an officer in an awarding body may make the decision.

The decision whether or not to accept the application for an 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 application for an appeal is not accepted, the reason(s) for this will be given.

What happens during Stage 1 of the Appeal Process?

Stage 1 of the Appeals Process involves a preliminary investigation of the case by an 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.

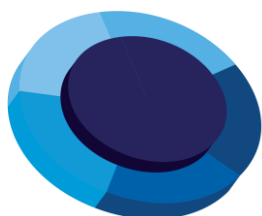
The procedures which are open to investigation include the full range of processes involved in, and leading to, the award of grades. The appeals process is not directly concerned with making judgements about the quality of candidates' work since this is the responsibility of senior examiners and moderators.

An appeal investigation does not generally involve a further review of the candidates' work. However, 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 inter-board JCQ agreed procedures.

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

All Stage 1 Appeals will be dealt with as quickly and thoroughly as is possible.



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## Stage 2 Appeals

If the head of centre or private candidate remains dissatisfied with the outcome of the Stage 1 Appeal, a written request (using the form, JCQ/App1) 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.

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, an awarding body 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 body and who have been trained in the task of deciding appeals.

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.

At least one of the panel members will be an 'independent member' as defined by the Code of Practice . (Independent members are individuals who have had no employment or other responsibilities with that awarding body for at least the previous five years.)

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

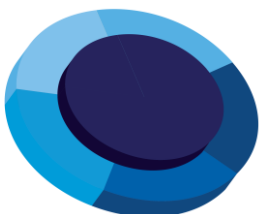
The Chair will indicate that it is the role of all Panel Members to ensure that the hearing is conducted in accordance with the procedures detailed in this document.

The procedure for hearing Stage 2 Appeals:

### Before the hearing

The appellant (that is, the head of centre or private candidate) will have lodged a Stage 2 Appeal application within two calendar weeks of being notified of the outcome of the Stage 1 Appeal review.

The application must clearly set out both the grounds of appeal and all supporting documentation. It is important that all relevant documentation is included at this point, as there



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will be limited opportunities to submit additional information later on in the process. The awarding bodies reserve the right to produce material in rebuttal of any appeal application.

Appellants will be expected to attend the Stage 2 Appeal hearing in person.

If when notified of the date set for the appeal panel hearing, the appellant does not attend, the hearing may proceed in their absence.

The appellant may call any representatives relevant to the case but names and addresses of all representatives must be provided to the awarding body no later than 14 days before the date of the hearing. It would not generally be expected that the centre's representatives would exceed three in number.

The awarding bodies may also call any representatives relevant to the case. It would not be expected that awarding body representatives would exceed three in number.

Candidates and/or their parents/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 statements at the discretion of the Chair of the panel.

An awarding body's Chief Executive has the right to attend any appeal in the capacity either as a representative or as an observer.

Other observers may attend hearings with the approval of the Chair.

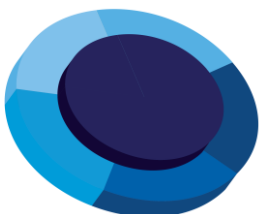
Legal representation is not normally permitted at Stage 2 Appeal hearings, as a Stage 2 Appeal hearing is not a legal function.

If the appellant wishes to be legally represented, this must be discussed with the relevant awarding body before a hearing date is finalised. In the event that legal representation for the appellant is agreed, the awarding body reserves the right to also be legally represented.

Private candidates appearing in person may be accompanied by a relative or friend.

A copy of all materials (correspondence/documents/reports etc) relating to the appeal will be forwarded to the appeals panel members and the appellant no later than seven calendar days prior to the hearing. It will not normally be possible for additional materials to be tabled on the day of the hearing. The decision whether to allow any additional materials to be tabled will be made by the Chair, with the consent of the other party.

Where any material is considered by the awarding body to be of a confidential nature, the awarding body may make such material available to the appeal hearing under such conditions



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as are necessary to protect the confidentiality of the material. The awarding body will ensure compliance with any relevant provisions of the Data Protection Act.

At the hearing

The hearing will take the form of a re-examination of the evidence, comments and reports provided to and by the awarding body, and observations presented by the appellant.

In an appeal concerning an enquiry about results, the test applied by the panel will be whether the awarding body has:

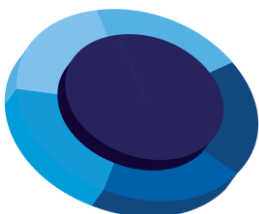
- used procedures that were consistent with the Code of Practice ; and
- applied its procedures properly and fairly when arriving at a judgement.

In an appeal related to malpractice, (which includes maladministration) 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 guidelines, awarding body precedents and any additional information provided by the appellant or awarding body.

In an appeal focusing on access arrangements or special consideration, the panel will consider whether the awarding body's actions were consistent with the published procedures and were fair.

The normal procedure to be followed during appeals hearings is outlined below:

- i A member of the panel will Chair the hearing.
- li The awarding body will be responsible for ensuring that a record of the proceedings is kept.
- lii The Chair will undertake introductions, outline the procedures to be followed and if appropriate, provide a summary of the case.
- lv The Chair may, at his/her discretion, accept written evidence from a third party unable or unwilling to attend the hearing (see paragraph 41, page 5).
- v The Chair will invite the appellant to present their case to the panel.
- vi The Chair will then offer the representative(s) of the awarding body the opportunity to question the appellant.



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Vii The Chair and the panel members will then have the opportunity to question the appellant.

Viii The Chair will then invite the representative(s) of the awarding body to present their case to the panel.

ix The Chair will offer the appellant the opportunity to question the representative(s) of the awarding body.

X The Chair and the panel members will then have the opportunity to question the representative(s) of the awarding body.

Xi The Chair will offer the representative(s) of the awarding body an opportunity to sum up their case, if they wish to do so.

Xii The Chair will then offer the appellant an opportunity to sum up their case, if they wish to do so.

Xiii The Chair will then invite the appellant and their representative(s) and the awarding body representative(s) to withdraw, but to remain in readiness for a brief time whilst the panel determines whether they wish to ask any further questions of either the appellant or the awarding body representative(s).

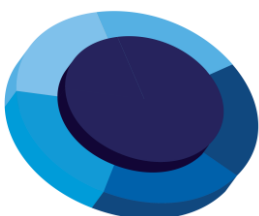
Xiv If the panel determines that they do wish to ask further questions, both the appellant and their representative(s) and the awarding body representative(s) will be asked to return to the hearing.

Xv At the conclusion of all questions, the Chair will inform the appellant, and their representative(s), and the awarding body representative(s) that the hearing is complete and they may leave.

The panel will deliberate in private. In reaching its decision, the appeals panel will apply, as appropriate, the tests set out in paragraph 44, page 6. Where the appeal relates to the awarding body's procedures, the appeals panel will also consider whether any remedial action subsequently taken by the awarding body was sufficient to rectify the matter.

The appeals panel may decide to uphold the appeal or to reject it. If the appeal is upheld, the panel may:

- refer the matter back to the appropriate awarding body officer for further consideration on such basis as the panel may direct; or
- direct the awarding body to carry out further work;



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- in a Malpractice appeal confirm or amend the sanction.

## After the hearing

Irrespective of whether or not the appeal is upheld, the panel may make recommendations to the awarding body on issues/concerns that emerged during the appeal hearing.

Any further work will be carried out in full compliance with the Code of Practice and JCQ agreed procedures.

The decision of the appeals panel will not normally be communicated to the appellant or to the awarding body representatives orally on the day of the hearing. The decision will be sent to the appellant and to the awarding body representative(s) no later than five working days after the hearing.

A draft report of the hearing will be provided to the appellant and to the awarding body representative(s) within 28 calendar days.

The appellant and the awarding body representatives will be offered the opportunity to correct errors of fact made in the report. The decision whether or not to accept amendments suggested by the appellant or by the awarding body representative(s) will be at the sole discretion of the Chair of the appeals panel.

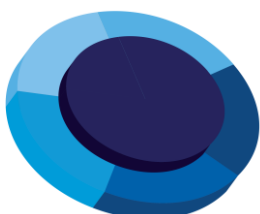
The hearing by the appeals panel will complete the awarding body's internal appeals procedures. No further appeal will be accepted by the awarding body.

## Further avenues of appeal

For centres or private candidates in England, where dissatisfaction remains with the decision of the Stage 2 appeals panel, an appeal may be made to the Examination Procedures Review Service (EPRS). The Examination Procedures Review Service is provided by Ofqual and has been set up to ensure that schools and colleges, and also candidates and parents, are satisfied that grades issued by an awarding body are as fair and accurate as they can be.

Appeals to the EPRS should be addressed to: EPRS, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB. Telephone 0300 303 3346 / e-mail [epres@ofqual.gov.uk](mailto:epres@ofqual.gov.uk)

Appeals to the regulators must be made within three weeks of receipt by the appellant of the draft report on the Stage 2 Appeal issued by the awarding body.



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## 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 application of the original appeal request (reference Code of Practice May 2011 paragraph 9.17). \* 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.

## 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.

59. Awarding bodies' decisions on malpractice cases are based on an inter-board agreement which is reflected in the Joint Council for Qualifications (JCQ) publication Suspected Malpractice in Examinations and Assessments : Policies and Procedures . This booklet can be obtained from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>

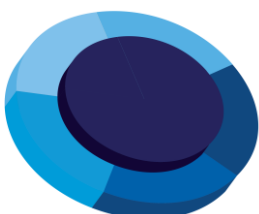
Decisions in cases of suspected malpractice are usually made by a dedicated and trained team of officers at the relevant awarding body. In cases of serious malpractice the decision may be made by a committee of senior officers or an external committee.

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

### Who can appeal?

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 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 him/her.



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A private candidate (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examination centre) may appeal against a finding of malpractice and/or the sanction imposed on him/her.

A third party who has 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 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.

## How to appeal

A head of centre, member of staff or private candidate 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, member of staff or private candidate submitting the appeal must set out as clearly as possible the grounds for the appeal and must include any further evidence relevant to supporting the appeal.

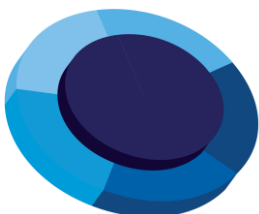
Appeals must be based on reasonable grounds which relate to the incident in question. The following are accepted as reasonable grounds:

- the incident was not dealt with in accordance with the published procedures in the JCQ publication Suspected Malpractice in Examinations and Assessments ;
- the decision was unreasonable in light of the evidence presented to the Malpractice Committee;
- further evidence (including medical evidence) has come to light which changes the basis of the awarding body's decision;
- the sanction imposed is disproportionate to the seriousness of the malpractice.

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.

What happens during a Malpractice Appeal investigation?



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When an appeal is received, it is checked by an officer of the awarding body (or a committee of officers). The context and grounds of the appeal and the supporting documentation are checked for their validity 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 on in the process. The awarding body will contact the centre to acknowledge receipt of the appeal and advise on the process to be followed.

The officer (or committee of officers) may:

- resolve the appeal by referring the matter back to the appropriate awarding body officer for fresh consideration without the need for a formal hearing; or
- submit the appeal for formal consideration by the Malpractice Appeals Committee;
- reject the grounds of appeal.

Each of the awarding bodies retains a committee of external and independent members whose role is to consider appeals against malpractice decisions (the Malpractice Appeals Committee).

The awarding body will liaise with the appellant to determine an appropriate time should the appellant be required to attend the hearing.

In cases where the appellant is required to attend the hearing to make a presentation, the procedure to be followed will be the same as set out for the Stage Two appeal hearing in paragraphs 29 – 52 (pages 5-7) of this booklet.

The committee reviewing the case will decide, 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 guidelines, awarding body precedents and any additional information provided by the appellant and the awarding body.

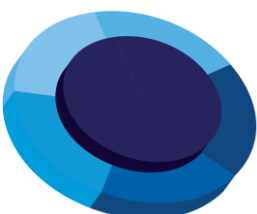
### Further avenues of appeal

The decision of the Malpractice Appeals Committee or panel is final. There are no further avenues of appeal against decisions taken by awarding bodies in cases of malpractice. The regulators do not hear appeals against malpractice decisions.

### Timescales

All appeals will be dealt with as quickly and thoroughly as is possible.

### Appeals relating to access arrangements and special consideration



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## Introduction

The awarding bodies recognise that there are some candidates who may be 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; • circumstances at the time of or during the examination or assessment.

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.

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.

Access arrangements, reasonable adjustments and special consideration decisions are based on an inter-awarding body agreement. The principles and regulations governing access arrangements and special consideration are set out in the JCQ publications Access Arrangements and Reasonable Adjustments and A guide to the special consideration process

If after consulting the respective document, the head of centre/private candidate disagrees with the decision made and is convinced that the awarding body has not followed due procedures, a written request setting out the grounds for a Stage 1 Appeal should be forwarded to the relevant awarding body.

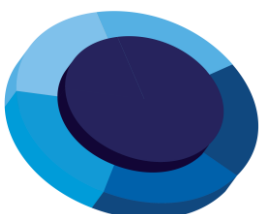
## Who can appeal?

Appeals are accepted from:

- a head of centre on behalf of a candidate or a group of candidates;
- a private candidate (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examination centre).

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 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.

## How to appeal



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Before undertaking an appeal, it may help if the head of centre discusses the situation with the relevant awarding body's appeals officer. Such discussions will sometimes resolve the matter without recourse to appeal.

The appeal request must be made within two 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 Stage 1 of the Appeals Process?

Stage 1 of the Appeals Process involves a review of the case by an officer or officers of the relevant awarding body. The officer will not have had a previous connection with, or any personal interest in 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 which is subject to appeal.

The awarding bodies will deal with Stage 1 Appeals as quickly and thoroughly as is possible. The outcome of the appeal will be reported as soon as it is available.

A letter detailing 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 review is complete.

## Stage 2 Appeals

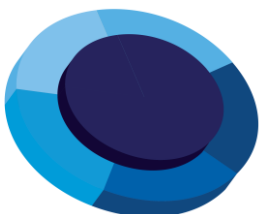
If the head of centre/private candidate disagrees with the outcome of the Stage 1 Appeal, a written request for a Stage 2 Appeal hearing should be sent to the relevant awarding body.

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.

The procedure followed at the Stage 2 Appeal hearing will be as set out in paragraphs 29 – 52, (pages 5-7) of this booklet.

## Further avenues of appeal



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The decision of the Stage 2 panel regarding access arrangements refused prior to examinations will be final. The regulators do not hear appeals against decisions about access arrangements in advance of examinations. The regulators may, at their discretion, be willing to hear such appeals after the issue of results. A head of centre/private candidate should contact the regulator directly for further advice.

In relation to special consideration appeals, the regulators may, at their discretion, be willing to hear an appeal. A head of centre should contact the regulator directly for advice. If the regulator 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 quickly and thoroughly as is possible.

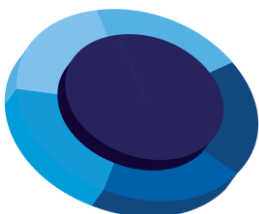
## Review of other administrative decisions

During the processing of any examination series, circumstances arise that cause an awarding body 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.

A head of centre who is concerned by such administrative decisions should contact the relevant awarding body's appeals officer to discuss his/her concerns.

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 aggregates.



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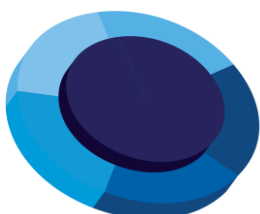
## Monitoring, Evaluation and Review

The Trust Board will review this policy at annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

**Adopted by HAPS On** .....

**Chair of Academies LAB** .....

**Principal** .....



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