

Section F

Appeals Procedures

(JCQ)
Arrangements for Internal Appeals
about Internal Assessment Decisions and
Enquiries About Results

ARRANGEMENTS FOR INTERNAL APPEALS ABOUT INTERNAL ASSESSMENT DECISIONS AND ENQUIRIES ABOUT RESULTS*

1. PRINCIPLES

1.1 A centre should have:

- “published appeals procedures relating to internal assessment decisions [which] are made widely available and accessible to all candidates” (para. 21 ix - Code of Practice).
- “a formal, codified procedure for handling disputes when a candidate or carer disagrees with a decision by the centre not to support an enquiry” and “ensure that the procedures are published, and are made widely available and accessible to all candidates and their carers”. (para.174 – Code of Practice).

1.2 The Code of Practice also places a responsibility on Awarding Bodies to ensure that centres offering their examinations meet these requirements. The Awarding Bodies will, therefore, during their routine inspection of centres, check to ensure that centres have appropriate procedures in place. Centres should make relevant documentation available during the course of an inspection.

1.3 These arrangements have been introduced in the interests of natural justice. Centres should provide a formal appeals mechanism that candidates and their carer/s may use. Such procedures ensure that centres are accountable and allow disputes to be resolved openly and effectively. They are of benefit to candidates and their carer/s because any remaining concerns they have can be explored through a formal and independent process. The procedures are of benefit to centres through defining a formal process to allow them to set out their position.

1.4 Many centres will have an internal appeals or complaints procedure in place already. Some do not and others may want to review existing procedures.

1.5 The JCQ, with the support of the Regulatory Authorities, has drawn up the guidance for centres on appeals arrangements which follows. Centres are not required to adopt this guidance. Local circumstances might make a different approach preferable. This guidance is, however, designed to illustrate the key principles that underpin a rigorous and transparent appeals process. **Such a process will normally be required when all other mechanisms within the centre (for example, discussion between candidates/carers and the Head of the centre) have failed to resolve the matter. It will be the final stage in the normal process of considering and resolving disputes. It is expected that it will be used only in exceptional circumstances.**

1.6 The Awarding Bodies will monitor the process in the following ways:

- As part of the Awarding Bodies' Centre inspection arrangements, centres will be required to produce documentation relating to their procedures for hearing appeals against internal assessment decisions or enquiries about results. The written records of any appeals will also be required. An Awarding Body inspection would be ascertaining that an internal appeals procedure is in place and that records of any appeals are being kept but would not be judging either the appeals process or the decisions reached.
- Relevant details of any appeal must be made available to the Awarding Body on request.

2. GUIDANCE FOR CENTRES ON ESTABLISHING AN APPEALS PROCEDURE

2.1 The following suggestions for implementing the requirement to have in place a published appeals procedure relating to internal assessment decisions is offered to centres to help ensure that their appeals procedure contains the essential elements of transparency, right of hearing, independence in the hearing, and a written record of outcomes.

- 2.1.1. The Head of centre should nominate a senior member of staff to manage appeals. This person should also be responsible for disseminating information to all candidates and their carer/s about the appeals procedures and for informing the Head of centre about the existence and outcome of all such appeals.
- 2.1.2. The appeals procedure should make clear how an appeal should be initiated, for example, should the appeal be made in writing stating the details of the complaint and the reasons for the appeal, or through a different arrangement? And what are the time limits for lodging an appeal (see also 2.1.7 below).
- 2.1.3. There should be an opportunity for the teacher(s) concerned in making the assessment, which is the subject of the appeal, to see a copy of the appeal and to respond to this in writing, with a copy sent to the candidate.
- 2.1.4. The appeals procedure should allow the candidate bringing the appeal to have an opportunity to have a personal hearing if they are not happy with the written response they have received. A candidate should be given reasonable notice of the hearing date; they should have sight of all relevant documents (e.g. the marks given, the assessments made) to the case in advance of the hearing. Where a candidate is presenting their own case they should be allowed to be accompanied by a (single) carer/ friend. The teacher(s) and candidate should have the opportunity to hear each other's submission to the panel at the hearing.
- 2.1.5. The appeals procedure should include guidance as to who should hear the appeal. The panel should comprise at least two individuals who had not previously dealt with the particular case. One of the individuals should be a senior member of staff and the second another independent person, whether another member of staff, or, for example, a governor.

- 2.1.6. The centre should maintain a written record of all appeals. This record should include the outcome of an appeal and reasons for that outcome. The centre should send a copy to the candidate and, where appropriate, to their carer/s within a specified time limit.
- 2.1.7. The centre should inform the Awarding Body if there is any change to an internally assessed mark as a result of an appeal. Any internal dispute or appeal against an internal assessment decision must be resolved speedily, since Awarding Bodies' cannot change the dates on which certificates are printed and issued. Centres will need to give careful consideration to the dates between which appeals could be heard, taking into account the results date for the relevant examination series.

The Code of Practice can be found on the Regulatory Authorities' websites as follows:
QCA - www.qca.org.uk ACCAC - www.accac.org.uk CCEA – www.ccea.org.uk

***This document replaces the JCGQ Circular, Internal Appeals Procedure Guidance for Centres issued in May 2003.**

(CCEA)
Examinations Appeals Procedure
(A Guide: Summer/Winter 2005)

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INTRODUCTION

The Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA) was established in 1994. It is responsible for conducting examinations and awarding qualifications in GCSE, GCE, Entry Level and Graded Objectives in Modern Languages (GOML).

Under Article 74 of the Education (NI) Order 1998, CCEA is required to consider appeals against any of its decisions made regarding the conduct of examinations.

This document describes the final stage of the appeals process. It details the options available to Principals appealing on behalf of candidates (or to external candidates, themselves) after having availed of the Enquiry About Results service. Details of the various options available under the Enquiry About Results service are given in the Rules, Regulations and Procedures section of the CCEA Administration Handbook. This handbook is issued to all centres, but additional copies are available from CCEA's Distribution Operations team and/or the CCEA website, www.ccea.org.uk.

In cases where candidates remain dissatisfied with the outcome of the Enquiry About Results service, Principals (or external candidates, themselves) may appeal the decision. The focus of the appeals process is to establish whether or not CCEA, in making awards, has used procedures consistent with the regulatory authorities' code of practice and whether it applied them properly and fairly in arriving at judgements of candidate performance. Those procedures open to investigation include the full range of processes involved in, and leading to, the award of final grades: the setting of papers, marking and moderation, the award of grades, and any subsequent Enquiries About Results.

The completion of this stage of the appeals process represents the final point in the internal consideration of appeals against CCEA decisions in respect of the conduct of its examinations. The procedures followed are in line with those used by other awarding bodies in England and Wales. The procedures of all awarding bodies are designed to meet and to build on requirements set out in Section 9 of the examinations regulatory authorities' GCSE, GCE, VCE, GNVQ and AEA Code of Practice 2005/6. Copies of this document may be obtained from QCA Publications, PO Box 29, Norwich NR3 1GN (tel 08700 606015; fax 08700 606017) Order Reference QCA/05/1533. The booklet is also available at www.qca.org.uk/qualifications (select 'Types of qualification').

THE APPEALS PROCESS

It is CCEA's experience that any issues having a bearing upon a candidate's results that have not been satisfactorily resolved through examination of actual performance in the Enquiry About Results service are likely to be of a highly technical nature. In these circumstances, CCEA feels the interests of the candidate are best served by having the appeal presented on her/his behalf by staff from the centre where she/he has been taught.

Therefore, an appeal against the results obtained by a candidate must be submitted in writing by the Principal of the candidate's centre. In the case of external candidates, this may not be practical and appeals, in writing, will be accepted from such candidates themselves.

Appeals at this stage of the appeals process do not, generally, involve a further re-marking of any candidate's work. This is because that will have already been completed at the earlier Enquiry About Results stage.

STAGE ONE

A request for an appeal must be submitted, in writing, by the Principal (or external candidate) to the CCEA Business Assurance Manager.

The Principal (or external candidate) must lodge a request for an appeal within 14 calendar days of receiving the Enquiry About Results outcome report and associated documentation. (To facilitate this timescale, it is the centre's responsibility to forward to candidates, and/or their parents/guardians, the Enquiry About Results outcome report and associated documentation as soon as it receives these.)

Written communication in the form of fax transmission or e-mail is acceptable. Faxes should be forwarded to (028) 9026 1233; e-mails should be forwarded to jhamilton@ccea.org.uk. Proof of such communication must be validated by the Principal, eg by using headed paper.

Formal notification of intent to appeal should include the following information:

- Name(s) of candidate(s);
- Title, subject and level of examination;
- Date of final session, ie Winter/Spring/Summer and year;
- Simple statement of the reason(s) for making the appeal; and
- Full description of the reason for appeal.

Where the Principal considers that a common issue applies to a number of candidates from the same centre, a joint application for those candidates should be made.

Receipt of this notification will be acknowledged in writing within 5 working days of receipt.

A sub-committee of the CCEA Appeals Committee will determine whether or not the submission lodged meets the grounds for an appeal. (In instances where there is an apparent precedent for hearing an appeal, the Business Assurance Manager will take advice by telephone from the Chair of the sub-committee as to whether or not the appeal should be heard.) In any case, a decision will be made on this within three weeks of the appeal being lodged. If the appeal is accepted, the case will be reviewed by a senior member of CCEA staff who has had no previous involvement in the case.

Following this review, the outcome will be provided in writing within 5 working days of the outcome being determined to the Head of Centre or external candidate along with, in some cases, a copy of the candidate's script. The review may confirm the award made by CCEA, or it may require CCEA staff (including the examining team) to take appropriate remedial action. The sub-committee may also make broader recommendations to CCEA as a whole.

STAGE TWO

If the Head of Centre or external candidate remains dissatisfied with the outcome of Stage One, a written request to proceed to Stage Two should be made within 14 calendar days to CCEA's Business Assurance Manager. At this time, the Head of Centre should indicate, in writing, the names of those who will represent the centre and act as witnesses.

Relevant officers of CCEA (including members of examining teams, if appropriate) will be asked to provide documents in support of their view.

Normally, the centre can provide a maximum of two representatives whose role will be to set out the basis of the appeal on behalf of the candidate(s) and a maximum of two witnesses to give supporting statements or other evidence in relation to the case being made. CCEA will also nominate not more than two officers to present its views and may also nominate up to two witnesses.

The Business Assurance Manager will collate all of this information and make it available to the centre, to CCEA officers and to panel members in advance of the date of the hearing.

In the case of external candidates making an appeal, the same arrangements will apply, except that the candidate will present his/her own case.

The Hearing

At Stage Two, the case will be heard by a panel drawn from CCEA's Appeals Committee. This Appeals Panel will normally consist of at least three members, of whom at least one will be a person independent of CCEA. The appeal will be considered at a formal hearing during which the issues will be fully considered.

The hearing will be chaired by the Chairman or the Vice-Chair of CCEA. This person will also be a member of the Appeals Panel and will have a casting vote. The Chairman or Vice-Chair will rule on any matters of relevance or procedure during the hearing. The appellant's case will be presented by the Principal (or his/her nominee) and CCEA's case will be presented by a nominated officer.

The order of business will normally proceed as follows:

- (i) The Principal (or his/her nominee or external candidate) will set out their case in the presence of the CCEA representatives and witnesses, calling upon the notified witnesses as appropriate.
- (ii) The CCEA representatives will have the opportunity, through the Chair of the panel, to question the appellant(s) and witnesses.
- (iii) The members of the panel will have the opportunity to question the appellant(s) and witnesses.
- (iv) CCEA's representatives will set out their case in the presence of the appellant(s) and witnesses and may call upon notified witnesses on their behalf.
- (v) The appellant will have the opportunity, through the Chair of the panel, to question CCEA representatives and witnesses.
- (vi) The panel members will have the opportunity to question CCEA representatives and witnesses.
- (vii) The CCEA representatives will have the opportunity to sum up their case.
- (viii) The appellant will sum up her/his case.
- (ix) All representatives and witnesses will withdraw and panel members will deliberate in private. In the event that the panel members require clarification on any matter, all parties will return to allow relevant points to be addressed.
- (x) The Business Assurance Manager will record the proceedings, throughout.

The Appeals Panel will come to a decision, taking a vote if necessary. The Business Assurance Manager will note the decision and the reasons given.

The panel will either refuse the appeal (thus confirming the grade of the original award) or uphold it and require the officers (including the examining team) to take appropriate action. When appropriate, the panel may make broader recommendations to CCEA as a whole. (Please Note: The Appeals Panel is not authorised to re-mark candidates' work. The Appeals Panel can, however, instruct CCEA staff to reconsider a particular case and may offer recommendations.)

After the Hearing

The decision of the Appeals Committee Panel will be conveyed to both parties within 24 hours of the hearing. Further information, including reasons for the decision, will follow within five working days. The results of the hearing will be reported to the Council at its next meeting.

CCEA will aim to complete Stages One and Two of the appeals process and report the outcome to all relevant parties within 70 calendar days. A summary of all appeals considered, and their outcomes, will be maintained and made available on request to the Examinations Appeals Board (EAB).

FURTHER APPEAL AGAINST RESULTS OF AWARDS

When the Principal (or external candidate) continues to dispute the outcomes of Stages One and Two, a further appeal may be made to The Appeals Manager, Examinations Appeals Board (EAB), 83 Piccadilly, London W1J 8QA, telephone number (020) 7509 5995.

The EAB has been set up by the Secretary of State for Education and Employment, the Secretary of State for Wales and the Secretary of State for Northern Ireland to ensure that candidates, parents (where appropriate), schools and colleges are satisfied that all grades awarded are as fair and accurate as they can be. Details of its regulations and procedures are available from the above address or from its website, www.theeab.org.uk.

It should be noted that the EAB will not re-mark candidates' work, but it will consider whether or not CCEA has used procedures fit for the purpose and has applied them properly in arriving at its judgements of candidate performance. The EAB will only accept appeals from the Principal on behalf of centre-based candidates or, in the case of external candidates, from candidates themselves.

Appeals to the EAB must be submitted, in writing, to the EAB Appeals Manager within 21 calendar days of the date on which notification of CCEA's appeals decision is received by the Principal (or external candidate). CCEA should be notified of any appeal made to the EAB.

Further Information

Further information about how CCEA deals with examinations appeals is available from the CCEA Business Assurance Manager by telephoning (028) 9026 1205 or by e-mailing jhamilton@ccea.org.uk

NORTHERN IRELAND COMMISSIONER FOR COMPLAINTS

The Northern Ireland Commissioner for Complaints exists to provide a possible remedy for citizens who have a complaint against a public body in Northern Ireland or who feel that a public body may be guilty of maladministration in its dealings with citizens.

As a public body, CCEA is amenable to the Northern Ireland Commissioner for Complaints for the way that it deals with its clients. Regardless of whether or not the issue in question relates to examinations, any citizen has the right to approach the Commissioner to seek redress in the matters for which he is responsible. The Commissioner can provide further details on his remit and procedures.

The provisions of CCEA's appeals procedures, including the Enquiry About Results service, do not replace or constrain your rights to approach the Commissioner for Complaints.

You should note that only the Commissioner for Complaints can determine whether a complaint from a member of the public alleging maladministration and injustice can be entertained by him within the terms of the legislation.