



Guide to appeals

Effective from 16 August 2018

Final version 1

This document provides guidance and advice to centres offering WJEC general and vocational qualifications. It includes information on appeals and reviews against WJEC decisions relating to reviews of marking/moderation, malpractice, special consideration, access arrangements/reasonable adjustment and other administrative decisions.

Effective from: 16 August 2018

1. Introduction

The purpose of this guide is to provide guidance and advice to centres offering WJEC general and vocational qualifications. It includes information on appeals and reviews against WJEC decisions relating to:

- Reviews of marking or moderation
- Centre, centre staff and candidate malpractice
- Access arrangements and special consideration

In addition, some other administrative decisions may be subject to review by WJEC officers.

This guide should be read in conjunction with the current Joint Council for Qualifications (JCQ) document, 'A guide to the awarding bodies appeals' processes' effective from 16 August 2018 **which is available** on the [JCQ website](#).

Section 2 of this guide provides key information for all types of appeals whilst sections 3-6 provide more detailed guidance on appeals against reviews of marking/moderation, malpractice, access arrangements and special consideration, and other administrative decisions.

Further guidance on the appeals procedures may be obtained by contacting the WJEC Compliance Team on appeals@wjec.co.uk or by telephone on 02920 265474.

The regulators have updated their regulations in respect of Post Results Services and Appeals. These are available on the regulators websites:

[Ofqual](#)

[Qualifications Wales](#)

[CCEA](#)

Appeals **do not** include:

- Queries prior to a review of marking/moderation being completed
- Queries regarding question papers and mark schemes
- Complaints or queries regarding qualifications and specifications
- Complaints or queries about annotations including disagreement with annotations
- Queries or complaints about WJEC resource materials and CPD
- Queries or complaints on performance across components, specifications and years

2. Key information

Who can make an appeal?

- The head of centre on behalf of all candidate or group of candidates. For Post Results Services only, a private candidate can submit an appeal although we would recommend that they seek advice and guidance from their entering centre.

An internal candidate or parent cannot submit an appeal application directly to WJEC.

How can I make an appeal?

- Complete the JCQ form 'JCQ/App1' within the deadlines specified in this document and return to: Compliance section, WJEC, 245 Western Avenue, Cardiff CF5 2YX. The form can be emailed to appeals@wjec.co.uk provided that it includes an electronic signature and an original signed version is kept at the centre. The timescale does not make allowance for the time the centre may be closed for holidays
- Ensure that the form sets out clearly and concisely the grounds for the appeal and provides specific information and evidence to support the appeal

What action will WJEC take on receipt of the appeal application?

Your application will be acknowledged within 5 working days of receipt. A senior officer who has not previously been involved with the case will consider:

- Whether the appeal was received within the deadline
- Whether or not the appeal was submitted by the appropriate person, as outlined in sections 3-6 of this document, .
- Whether the appeal includes specific information and evidence to enable the appeal to be accepted

If any of the three conditions above are not met, the appeal will not be accepted. If accepted, the Senior Officer will conduct an investigation based on the information and evidence submitted.

What is the fee for an appeal?

- £110 for a Preliminary Investigation
- £185 for an Appeal Hearing

The fee will be refunded/waived if the appeal is upheld.

These fees are applicable to post results services only (review of marking/moderation).

3 Reviews of marking and moderation

If a head of centre/private candidate is dissatisfied with examination results **following the outcome of the review of marking/moderation process**, and genuinely believes that WJEC has not followed due procedures, an appeal can be submitted in accordance with the JCQ Appeals process and information in this guide. An appeal will not be accepted for candidates who were not included in the review of marking/moderation process.

For AS, A Level, Extended Project and *some GCSE qualifications, an appeal can also be submitted on extended grounds that there has been a marking error i.e. the mark could not have been given by a trained and standardised marker who had appropriate subject knowledge and who had exercised his/her academic in a reasonable way.

*GCSE English Language, GCSE English Literature, GCSE Mathematics, GCSE Mathematics – Numeracy, GCSE Welsh Language and GCSE Welsh Literature.

Regulatory guidance notes that 'where assessors are required to exercise academic judgement, there will often be different marks which could reasonably be awarded for an answer without a marking error being made. The starting point for considering whether there has been such an exercise of academic judgement is therefore always the mark which is being challenged (and not any alternative mark which the Learner/Centre should have been awarded)'.

The review of marking outcome letter will include the reason for the outcome i.e. an administrative error, the script was not marked fully in accordance with the mark scheme, the original marking was unduly lenient, the original marking was unduly harsh, the original marking was both unduly lenient and harsh across different questions, some upward and downward adjustments were made to the marks awarded to individual questions, leading to the same total mark as originally awarded, no change.

What information should be provided to support the appeal application?

The head of centre/private candidate must set out clearly and concisely the grounds of the appeal. There are two grounds of appeal:

i) WJEC has not applied its, and/or JCQ, procedures consistently, properly and fairly in arriving at judgements (the exercise of academic judgement in relation to the outcome of marking or moderation does not constitute an application or following of a procedure) or not applied procedures which are consistent with regulatory requirements.

WJEC has documented key procedures in its [Principles for assessing and awarding qualifications](#). This covers roles and responsibilities, preparing question papers, tasks and mark schemes, standardising marking (external assessment and moderation) and awarding.

WJEC also follows all [JCQ procedures](#) including procedures for Post Results Services, Appeals, Malpractice, Special Consideration and Access Arrangements.

If an appeal is being made on the grounds that WJEC has not applied its own or JCQ procedures consistently, properly and fairly in arriving at judgements or in conducting a clerical check, review of marking or moderation, the appeal must provide specific supporting evidence of which procedure has not been properly applied.

ii) For AS, A level, Extended Project, GCSE English Language, GCSE English Literature, GCSE Mathematics, GCSE Mathematics – Numeracy, GCSE Welsh Language and GCSE Welsh Literature that there has been a marking or moderation error.

Regulatory requirements specify that awarding bodies must not change a mark unless there has been a marking error.

The appeal must include specific information and evidence using the candidate's work and the mark scheme to demonstrate where you believe the marking error has been made. Appeals based on general assertions will not be accepted. For example, that the outcome did not meet a candidate's predicted grade or that a cohort's outcomes were lower than previous years or predictions, that a candidate/cohort's results in one unit/component were not as good as their results in another unit/component or other qualifications.

Once received, WJEC will either accept or not accept an application. If an application is not accepted a reason will be given. An application will not be accepted if:

- It is not submitted by the head of centre/private candidate
- It is not received within **30 calendar days** from the review of marking/moderation outcome being issued. The candidate's script may arrive after the outcome, however, the application must still be made within 30 calendar days of the outcome being issued.
- The review of marking/moderation process has not been completed
- Specific information and evidence has not been provided to support one of the two grounds of appeal
- The grounds of the appeal are not valid

If the appeal is accepted, a Preliminary Investigation will be undertaken.

The Preliminary Investigation will check whether or not WJEC has properly, fairly and consistently applied the procedures as identified by the centre in its appeal application. For AS, A Level, Extended Project, GCSE English Language, GCSE English Literature, GCSE Mathematics, GCSE Mathematics – Numeracy, GCSE Welsh Language and GCSE Welsh Literature. a second review of marking will be undertaken by a reviewer who was not the original examiner or first reviewer.

Based on the investigation, the appeal will be rejected or upheld. If upheld, any necessary further work on the candidate's script or results will be undertaken.

The head of centre/private candidate will normally be informed of the decision and reasons within **5 calendar weeks** of WJEC receiving the appeal application and all relevant information/evidence.

If the head of centre/private candidate remains dissatisfied with the outcome of the Preliminary Investigation, form JCQ/ App1 should be used to submit an application for an Appeal Hearing. The application must be submitted within **2 calendar weeks** of receipt of the outcome of the Preliminary Investigation letter.

When conducting an Appeal Hearing, WJEC will follow the procedures documented in the JCQ '*A guide to the awarding bodies' appeals processes*'.

Please see Appendix 1 for further information about the procedures for an Appeal Hearing

The Appeal Hearing is the final stage of WJEC's appeals process. If the appellant remains dissatisfied, an appeal should be made to the relevant regulator.

4. Malpractice Appeals

Appeals against malpractice decisions must be received by WJEC within **2 calendar weeks** of receipt of the outcome using form **JCQ/App1**. In the case of candidate malpractice, the head of centre must submit the appeal. In the case of centre staff malpractice, the appeal should be submitted by the head of centre or the individual concerned. A third party who has been barred from taking examinations or assessments with WJEC may appeal against the decision.

Appeals must be based on reasonable grounds such as:

- The incident was not dealt with in accordance with the published procedures in the JCQ Suspected Malpractice in Examinations and Assessment publication.
- The decision was unreasonable in light of the evidence presented
- Further evidence has come to light which may change the basis of the decision
- A reasonable belief that the evidence has been misinterpreted

- A reasonable belief that the outcome is not in line with the guidelines or precedents or the sanction imposed is disproportionate to the seriousness of the malpractice

The following do not constitute grounds for appeal:

- The individual did not intend to cheat
- The individual has an unblemished record/has a good character reference
- The individual could lose a university or college place
- The individual regrets his/her actions.

The appeal application may be refused if there is no new evidence and the grounds for the appeal are weak or unjustified

For candidate malpractice appeals, if there is reasonable evidence, a senior officer who has not been involved with the original case will consider the evidence. The decision may be referred to a Panel. The decision is final and there are no further avenues for appeal. A letter will be sent to the head of centre with the decision and reasons.

For centre and centre staff malpractice appeals, if there is reasonable evidence, a Senior Officer at WJEC (or committee of officers) who has not been involved with the original case may:

- Refer the matter to the Appeals Committee
- Reject the grounds of appeal.

If required, a hearing of the Appeals Committee will be convened to consider the case. The committee will normally include a minimum of 3 individuals, including at least one independent member who has not worked for WJEC in the past 5 years. They will not have had any previous involvement with the case and will not have a conflict of interest. WJEC will liaise with the appellant/centre to determine an appropriate date for the hearing.

If the appellant chooses not to attend, the decision will be made on the written evidence. The secretariat for the Appeals Committee will provide the appellant with a copy of all papers, documents and reports to be considered by the committee. The Chair of the Committee will have the right to decide whether any further evidence is admissible for tabling at the hearing and whether witnesses can be called.

The procedures of the hearing will follow those identified in JCQ's document '*A guide to the awarding bodies' appeals processes*'. The Chair will advise appellants of the process again at the start of the hearing.

Please see Appendix 1 for further information about the procedures for an Appeal Hearing

The decision of the Appeals Committee is final and there are no further avenues of appeal.

5. Access arrangements and special conditions

Access arrangement and special consideration decisions are based on an inter-awarding body agreement as documented in the [JCQ](#) '*Access Arrangements and Reasonable Adjustments and A guide to special consideration process*'.

If after consulting the documents, the head of centre disagrees with the decision and is convinced that WJEC has not followed due procedures, a written request setting out the grounds for the appeal should be forwarded to WJEC using the JCQ form JCQ/App1.

The appeal application must be made within **2 calendar weeks** of receiving the original decision. An acknowledgement will be sent within **5 working days** of receipt.

The first stage of the appeal, the Preliminary Investigation involves a fresh examination of the case by a WJEC senior officer (or committee of officers) with no previous involvement in the case. The review will take account of the written submission from the appellant, a review of the JCQ procedures followed in arriving at the decision. The head of centre will normally be informed of the decision and reasons within **5 calendar weeks** of WJEC receiving the appeal application and all relevant information/evidence.

If the head of centre remains dissatisfied with the outcome of the Preliminary Investigation, form JCQ/ App1 should be used to submit an application for an Appeal Hearing. The application must be submitted within **2 calendar weeks** of receipt of the outcome of the Preliminary Investigation letter.

When conducting an Appeal Hearing, WJEC will follow the procedures documented in the JCQ '*A guide to the awarding bodies' appeals processes*'.

Please see Appendix 1 for further information about the procedures for an Appeal Hearing

The decision of the WJEC Appeal Hearing Committee is final. The relevant regulator may at their discretion hear an appeal once all WJEC's appeal stages have been completed.

6 Review of other administrative decisions

A head of centre who is concerned about other administrative decisions in respect of:

- Very late arrivals
- Missing scripts

should submit their request for the decision to be reconsidered stating the grounds for the request to WJEC using the JCQ form JCQ/App1. The decision will be reviewed by a senior WJEC officer (or committee of officers) and a response sent to the head of centre. WJEC will acknowledge receipt within 5 working days and respond fully normally within **5 calendar weeks**.

7. Useful information

WJEC contact details:

appeals@wjec.co.uk

Compliance Team: Tel: 029 20 265474

JCQ documents

Appendix 1: The Appeal Hearing

Who is involved in the Appeal Hearing?

- The hearing will be conducted by WJEC's Appeals Committee. The committee will include a minimum of three people including at least one independent member, who has not been employed by WJEC in the past 5 years.

What is the timescale for holding an Appeal Hearing?

- In line with JCQ deadlines, WJEC aims to hold an Appeal Hearing within **10 calendar weeks** of the receipt of a request for an Appeal Hearing

Does the centre need to attend the Appeal Hearing?

- Yes. The head of centre or their representative/private candidate will be invited to present their case. The appellant is expected to attend a centre staff malpractice Appeal Hearing

What information will I need to prepare for the Appeal Hearing?

- A written statement giving the precise nature and grounds for the appeal. The names and job titles of witnesses who will give evidence must also be provided no later than 7 calendar days before the date of the hearing (usually no more than 3 attendees).

Will I receive information about WJEC's case in advance of the Appeal Hearing?

- Yes, information will be available 7 calendar days prior to the date of the hearing

What are the timescales for receiving information from WJEC about a Preliminary Investigation and Appeal Hearing?

- WJEC will log the appeal application and acknowledge receipt within 5 working days
- WJEC will send a letter, summarising the outcome of its Preliminary Investigation, normally within **5 calendar weeks** of receipt. If the investigation cannot be completed within this timescale, we will advise the centre

- The decision of the Appeal Hearing will normally be communicated to the appellant and WJEC within **5 working days** of the hearing. A summary report or transcript of the hearing will be provided to the appellant and to the WJEC representative within **28 calendar days** of the appeal hearing. This summary report/transcript is confidential to parties to the appeal and must not be shared with third parties without the prior consent of WJEC.