



# Guide to appeals

Effective from 15 August 2019

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## 1 Introduction

The purpose of this guide is to provide guidance and advice on WJEC's appeals procedure for all WJEC and WJEC Eduqas 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, reasonable adjustments 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 15 August 2019 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, reasonable adjustments and special consideration, and reviews of other administrative decisions.

Further guidance on the appeals procedures may be obtained by contacting the WJEC Compliance Team by e-mail [appeals@wjec.co.uk](mailto:appeals@wjec.co.uk) or by telephone on 02920 265474.

The regulators' conditions and requirements in respect of appeals are available on their respective 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 candidates entered at their centre.
- A private candidate can submit an appeal although we would recommend that they seek advice and guidance from their entering centre.

WJEC defines a private candidate as an individual who pursues a course of study independently but takes an examination and/or other assessment at an approved WJEC examination centre. The entering centre will not have delivered the assessment to the learner, materially contributed to the preparation of the Learner for the assessment and purchased the qualification on behalf of the learner.

### **Candidates who are not defined as private candidates, or their parents/carer cannot submit an appeal application directly to WJEC.**

- A member of centre staff or personnel contracted to the centre may appeal a finding of malpractice and/or sanction imposed on him/her

### How can I make an appeal?

- Complete the JCQ form 'JCQ/App1' within the deadlines specified in this document and email to: [appeals@wjec.co.uk](mailto:appeals@wjec.co.uk) . If it not possible to email the form, a hard copy may be sent to Compliance section, WJEC, 245 Western Avenue, Cardiff CF5 2YX
- 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, a Senior Officer will conduct a preliminary investigation based on the information and evidence submitted.

### What is the fee for an appeal?

- £115 for a Preliminary Investigation
- £190 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 Review of marking

After the review of marking outcome has been issued, if a head of centre/private candidate considers that a **marking error** has occurred and/or WJEC has not implemented its procedures properly, fairly and consistently, an application for an appeal may be submitted in accordance with the JCQ guide to the awarding bodies' appeals process and information in this guide. An appeal will not be accepted for candidates who were not included in the review of marking process.

### What is a marking error?

A marking error is defined as a mark which could not reasonably have been awarded to a candidate's responses when the mark scheme for the paper and other WJEC marking procedures are applied correctly. A marking error can occur as a result of:

- an administrative error
- a failure to apply the mark scheme where a task has only a 'right' or 'wrong' answer
- an unreasonable exercise of academic judgement.

A marking error can occur, for example, if an examiner has not properly applied the mark scheme or has not marked a creditworthy response.

However, in many assessments, such as essays in English or History, there is not a 'right mark' and a 'wrong mark'. These types of assessments require examiners to use their academic judgement. Two trained examiners exercising their academic judgement reasonably and without making a mistake, could award different marks to the same candidate's answer and this is not considered to be a marking error. In an appeal, one reasonable mark will not be changed for an alternative reasonable mark.

An unreasonable exercise of academic judgement includes:

- marking which is unduly strict or lenient beyond the bounds of what might reasonably be expected of a trained examiner properly applying the mark scheme
- where part of an answer was not given a mark but where a trained and knowledgeable examiner acting reasonably should have given a mark
- where the marking of an answer suggests that the examiner had no rationale for his/her awarding of marks.

In accordance with regulatory requirements, WJEC will always correct a marking error but not amend a reasonable mark for an alternative reasonable mark.

The review of marking outcome letter includes 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.

## 4 Review of moderation

After the review of moderation outcome has been issued, if a head of centre considers that a **moderation error** has occurred and/or WJEC has not implemented its procedures properly, fairly and consistently an application for an appeal may be submitted in accordance with the JCQ guide to the awarding bodies' appeals process and information in this guide. An appeal will not be accepted for candidates who were not included in the review of moderation process.

### What is a moderation error?

A moderation error is defined as an outcome which could not reasonably have been arrived at given the candidate's work, the centre's marking of that work, the criteria against which candidates' performance is differentiated and WJEC's moderation procedures. A moderation error can occur as a result of:

- an administrative error
- a failure to apply the mark scheme where a task has only a 'right' or 'wrong' answer
- an unreasonable exercise of academic judgement.

### An unreasonable exercise of academic judgement includes:

- marking which is unduly strict or lenient beyond the bounds of what might reasonably be expected of a trained moderator properly applying the mark scheme
- where part of an answer was not given a mark but where a trained and knowledgeable moderator acting reasonably should have given a mark
- where the marking of an answer suggests that the moderator had no rationale for his/her awarding of marks.

In accordance with regulatory requirements, WJEC will always correct a moderation error.

The review of moderation report issued to the centre includes the reason(s) for the outcome.

### 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) The appellant considers that 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, Access Arrangements and Reasonable Adjustments.

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) The appellant considers that WJEC has made a marking or moderation error**

Regulatory requirements specify that awarding bodies must not change a mark unless there has been a marking/moderation 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/moderation error(s) 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. Where a copy of a script has been requested, the appellant is allowed 15 calendar days from the provision of the script to submit an application for an appeal.
- The review of marking/moderation process has not been completed

- Specific information and evidence have 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 if WJEC has properly, fairly and consistently applied the procedures as identified by the centre in its appeal application. Where the grounds of the appeal relate to a marking/moderation error a second review of marking/moderation will be undertaken by a reviewer who was not the original examiner/moderator or first reviewer.

Based on the preliminary investigation, the appeal will be rejected or upheld. If upheld, appropriate action is undertaken to correct the error.

The head of centre/private candidate will normally be informed of the decision and reasons within **6 calendar weeks** of WJEC receiving the appeal application and all relevant information/evidence.

If the head of centre/private candidate considers that an error remains following 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 still considers that an error has occurred, an application for appeal may be made to the relevant regulator.

## 5 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 for internal candidates. A private candidate may also submit an appeal, but we advise that they seek advice and guidance from their entering centre. 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 Policies and Procedures document.
- The decision/sanction was disproportionate based on 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

The following in themselves do not constitute grounds for appeal, however, the appellant may wish to include the information in their application:

- 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 undertake a preliminary investigation. The decision may be referred to a Committee. The appellant will be informed of the decision and reasons. If the appellant considers that this decision is incorrect based on the evidence provided, an application for an appeal hearing may be made.

**For centre and centre staff malpractice appeals**, if there is reasonable evidence to support the application, the case will be referred to the Appeals Committee.

The Appeals 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.**

## 6 Access arrangements, reasonable adjustments and special consideration

Access arrangement, reasonable adjustments 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 or private candidate (the appellant) believes that WJEC has not followed due procedures, an application 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 consider the grounds of appeal submitted by the appellant, a review of the JCQ and WJEC procedures followed in arriving at the original decision. The appellant will normally be informed of the appeal decision and reasons within **6 calendar weeks** of WJEC receiving the appeal application and all relevant information/evidence.

If the appellant still consider that the decision has not been made in accordance with published procedures following 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.

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.

## 7 Review of other administrative decisions

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

- Very late arrivals
- Missing scripts
- Use of aegrotats

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 or private candidate. WJEC will acknowledge receipt within 5 working days and respond fully normally within **6 calendar weeks**.

These cases are not subject to an appeal hearing.

## 8 Useful information

**WJEC contact details:** [appeals@wjec.co.uk](mailto: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 receiving the application for an Appeal hearing, if the application is accepted.

### *Does the appellant need to attend the Appeal hearing?*

- The appellant will be invited to present their case.

### What information will I need to provide to WJEC in advance of the Appeal hearing?

- The names and job titles of individuals attending the hearing must 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
- Preliminary investigation: WJEC will send a letter, summarising the outcome of its Preliminary Investigation, normally within **6 calendar weeks** of receipt. If the investigation cannot be completed within this timescale, we will advise the appellant
- Appeal hearing: 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.