

# **Scarborough Sixth Form College Appeals**

## **Policy 2021**

Due to the changes in assessment for students finishing qualifications this year, it has been necessary for a different appeals process to be in place. Issuing this policy Scarborough Sixth Form College is complying with Ofqual's requirements and is adhering to the requirements of JCQ's Appeals process summer 2021 [https://www.jcq.org.uk/wp-content/uploads/2021/06/JCQ\\_Appeals-Guidance\\_Summer-2021.pdf](https://www.jcq.org.uk/wp-content/uploads/2021/06/JCQ_Appeals-Guidance_Summer-2021.pdf)

### **Appeals Process**

#### **College identified errors**

College will undertake robust internal checks and a quality assurance exercise to ensure the grades submitted to awarding organisations are correct. However, there is always a small possibility that a procedural or administrative error is identified.

College may complete additional procedural and administrative checks (when they are prompted by the College's own quality assurance processes) after submitting grades to the awarding organisations and before the release of results. College will retain records of all checks made.

If an error is identified after Teacher Assessed Grades have been submitted, but before the awarding organisation's online portal for the submission of Teacher Assessed Grades has closed, the College will re-submit the revised Teacher Assessed Grade. This must be accompanied by a new Head of Centre Declaration.

Where a procedural or administrative error is discovered before results day, but after the awarding organisation's online portal for the submission of Teacher Assessed Grades has closed, the College will contact the relevant awarding organisation with details of the error identified. Where appropriate, if time allows, the awarding organisation will rectify the error before results are reported to students.

In a small number of cases, the error may be identified too close to results day for it to be rectified by the awarding organisation before the student receives their results. In these cases, the College must make clear to the student when they receive their results that an error has been identified and reported to the awarding organisation to be corrected. The centre must explain to the student what impact this is likely to have on their grade, particularly if the grade will be lower as a result. The awarding organisation will report the revised grade as soon as possible after results day.

Where College identifies an error in the post-results period, but not as the result of a student submitting a centre review, College will follow the advice set out in JCQ

documentation before determining whether or not a revised grade should be submitted to the awarding organisation.

If after results day College identifies an error that has impacted a student who has not submitted an appeal, we will refer to the JCQ document Guidance for centres on changing grades following the issue of results. Students in these circumstances will have a right of appeal against the grade change.

If College identifies an error with the grade it submitted to the awarding organisation, it must submit a revised grade with rationale for the grade change to the awarding organisation. If the awarding organisation is satisfied with the rationale presented by the centre **and** it considers it is appropriate to correct the result, it will issue a revised grade.

# Students' appeal process

## 1. Stage One- Centre reviews

Any student, may submit a request for a centre review on the grounds that the College has:

- failed to follow its procedures properly or consistently in arriving at that result or
- made an administrative error in relation to the result.

Requests for appeals on the grounds of academic judgement (unreasonableness) will only be considered by awarding organisations (at Stage Two) and not by centres. In these cases, an initial centre review must still be completed to ensure that the centre has not made any procedural or administrative errors. College will not review its academic judgements during the centre review stage.

To decide whether to request a review, students will need access to certain information before or on results day.

This includes:

- a. the centre policy – in the exams section of the College website
- b. the sources of evidence used to determine the student's grade, along with the marks/grades associated with them – this has already been given to students by subject teachers
- c. details of any variations in evidence used based on disruption to what that student was taught- this will apply for very few students, and subject teachers will have already discussed this with affected students
- d. details of any special circumstances that have been considered in determining their grade, e.g. access arrangements/reasonable adjustments or mitigating circumstances such as illness.

All requests for a centre review, must be made directly to the College, by completing a Student Request Form Stage One (available on the exams section of the College website, or from the Exams Office) and the completed form emailed to [exams@s6f.org.uk](mailto:exams@s6f.org.uk) by

- **Midday 16 August 2021** (priority appeals - for students applying to higher education who did not attain their firm choice, i.e. the offer they accepted as their first choice, and wish to appeal an A level or other Level 3 qualification result). Please note the student's UCAS personal ID **must** be included on the form, failure to do this may lead to a delay in submitting the appeal which may then miss the awarding organisations deadlines for priority appeals.
- **Midday 3 September 2021** (in all other cases).

This will enable College to meet the deadlines to submit appeals to awarding organisations. Students need to understand that any appeal may result in grades being raised, stay the same or be lowered as the result of an appeal. The stage one form requires a signature from

the candidate to confirm they understand this. **Applications without the student's signature cannot be processed**

College must accept and process/investigate any request for a review from a student. Failure to do so could constitute malpractice and awarding organisations are required to follow up on such cases.

A student may submit a request for a review but subsequently decide they wish to withdraw it. They should be allowed to do so long as no finding has been made. A centre review application cannot be withdrawn once a finding has been made.

A centre review must be completed, and an outcome reported to the student before an appeal can be submitted to the awarding organisation.

Any appeals submitted where this has not happened, will be rejected by the awarding organisation and a new application will need to be submitted once the centre review has been completed.

### **Determining a review outcome**

The types of procedural failure a student may raise may include:

- a. the existence and consideration of mitigating circumstances at the time of an assessment
- b. the provision of agreed access arrangements/reasonable adjustments for an assessment
- c. the process for determining and quality assuring grades (for example internal standardisation, authentication of student work).

Procedural and administrative checks may take place before or after results have been issued whether they are prompted by a student or a centre's own quality assurance processes.

### **College will have access to all the following records and will consider:**

- a. the reason presented by the student for the review, where this has been specified and any evidence provided by the student about issues that were not known about at the time the grade was determined
- b. the centre's approved policy and whether it was followed properly and consistently
- c. the evidence which was used to determine the student's grade
- d. any relevant assessment records detailing for the student any amendments to the range of evidence used for the cohort and, where applicable, steps taken to address any known mitigating circumstances/special consideration or approved access arrangements/reasonable adjustments
- e. a record that the grades had been signed off by at least two teachers in the subject, one of whom was the head of department/subject lead or Head of Centre where there was only one teacher in the department/subject

- f. the record, where it exists, of any relevant pre-results communications between the centre and student (for example, where a student has raised mitigating circumstances earlier in the process)
- g. relevant centre administration records.

In cases where College considers that there has been a procedural failure or administrative error, the College needs to decide whether this affected the grade submitted to the awarding organisation.

**The resulting outcome may be that the grade is raised, stays the same or is lowered, depending on the impact of the error or failure.**

It is possible for a procedural failure or an administrative error to be identified but for this not to have had any impact on the grade awarded. In this case the outcome of the review would be that the grade stays the same.

In cases when during a review, other students' grades are found to have been impacted College will follow the JCQ Appeals Guidance. This may result in other students' grades being amended either up or down.

### **Reporting an outcome -pre results**

If a College review takes place before results are issued, and an error is identified, the error may be corrected before results are issued. College may confirm to the student that the review has been completed, that an error has been identified and that the appropriate steps have been taken to rectify the error. However, College cannot share information about any new grade that has been submitted for the student until the date for the publication of results.

### **Reporting an outcome-post results**

Once the College has considered the review it must report the outcome to the student who submitted the review, even if the grade has not changed. College will inform the awarding organisation of any outcomes that may require a grade change (up or down).

Awarding organisation staff will consider the outcome and reasons and make the final decision about changing the grade. Amended grades will be reported to College, to be shared with the student along with the College's review decision.

In cases where the awarding organisation disagrees with College's decision to amend a grade as the result of a review and considers it inappropriate to do so, or considers a different grade to be appropriate, the awarding organisation will clearly communicate its reasons to the centre.

## Next steps

Whether or not a procedural or administrative failure was found, and whether or not the grade changed as a result, all students have the right to submit an appeal to the awarding organisation as the next stage in the process.

Any stage two appeal must be submitted on the student's behalf by the centre that carried out the relevant review, with the consent of the student. A refusal to submit an appeal for the student could be considered malpractice and investigated by the awarding organisation as such.

### **2. Stage two – appeals to awarding organisations**

Any student, who considers that there has been a procedural error, an administrative error or that their grade reflects an unreasonable exercise of academic judgement (either because of the way that the grade has been determined and/or the selection of the evidence), may submit a request for an awarding organisation appeal **after they have received the outcome of their centre review (stage one appeal) and after the publication of results.**

An appeal can only be made against a result issued. Any student who believes that the centre's decision to withdraw an entry due to insufficient evidence on which to determine a Teacher Assessed Grade, or not to make an entry in the first place, must raise such concerns through the College's Complaints Process (details of which can be requested by emailing [exams@s6f.org.uk](mailto:exams@s6f.org.uk))

Any continuing concerns following completion of the College's Complaints Process may subsequently be raised through the awarding organisation's complaints process

All requests for a stage 2 appeal can only be made after completing a stage one appeals process. Requests must be made directly to the College, by completing a Student Request Form stage two (available on the exams section of the College website, or from the Exams Office) and the completed form emailed to [exams@s6f.org.uk](mailto:exams@s6f.org.uk) by

- 9.00 am 23 August 2021 for priority appeals (for students applying to higher education who did not attain their firm choice, i.e. the offer they accepted as their first choice, and wish to appeal an A level or other Level 3 qualification result), or by
- 9.00 am 17 September 2021 for non-priority appeals.

All requests for appeals, must be made to College, which will submit the appeal request to the awarding organisation.

Appeals which are not submitted by the above dates and times may lead to appeals not being completed in time for those students applying to higher education who did not attain their firm choice (i.e. the offer they accepted as their first choice) and wish to appeal an A level or other Level 3 qualification result.

Awarding organisations will not accept appeals directly from students or parents. Appeals submitted by students or parents directly to an awarding organisation will not be processed and will need to be re-submitted via College. This may risk appeals not being completed in time for those students applying to higher education who did not attain their firm choice and wish to appeal an A level or other Level 3 qualification result.

Any student who requests a priority appeal must include their UCAS personal ID with the appeal application for it to be processed as such. **Students should also notify their higher education provider that they have requested an appeal at the earliest possible opportunity so they can decide how to handle their offer.**

Centres that fail to accept and submit a request for an appeal, could be considered to have committed malpractice and awarding organisations are required to follow up on such cases. The appeal submission should include the outcome of the initial centre review showing the centre's own findings when considering the student's concerns.

The College must submit an appeal to the awarding organisation if the student considers that:

- a. the College did not follow its procedure properly or consistently in arriving at the result, or during the centre review
- b. the awarding organisation made an administrative error in relation to the result
- c. the College made an unreasonable exercise of academic judgement in the choice of evidence from which to determine the grade and/or the determination of that grade from the evidence.

Please note that the requirements for each ground of appeal are different and not all grounds require any additional rationale:

- appeals made on the grounds of a general procedural check or on the grounds that there has been an unreasonable exercise of academic judgement in the determination of the grade from the evidence **do not require submission of an explanation**
- appeals made on the grounds of a procedural check in relation to mitigating circumstances or access arrangements/reasonable requirements **do require submission of an explanation**
- appeals made on the grounds of an unreasonable exercise of academic judgement in the choice of evidence from which to determine the grade **do require an explanation of the student's concerns**
- appeals made on the grounds of an administrative error **do require an explanation of the perceived error.**

**Students need to understand that any appeal may result in grades being raised, stay the same or be lowered as the result of an appeal.** The stage two appeal's form requires a signature from the candidate to confirm they understand this. Applications without a student's signature cannot be processed.

Once College has submitted the appeal to an awarding organisation, we will confirm this to the student via email.

An awarding organisations decision whether to accept the application for an appeal is based on:

- a. whether the grounds of appeal are within the remit of the appeals process (where a rationale is required)
- b. whether a centre review has been completed
- c. the timing of the application in relation to the published deadlines for submitting appeals
- d. whether the student has confirmed that they consent to their grade being raised, lowered, or staying the same.

If an application for an appeal is not accepted, the reason(s) for this will be given and this will be communicated to students via email.

A student may submit a request for an appeal but subsequently decide they wish to withdraw it. Awarding organisations will accept requests for appeals to be withdrawn so long as no finding has been made. An application for an awarding organisation appeal cannot be withdrawn once a finding has been made.

### **What happens during the awarding organisation appeal?**

The Ofqual document Guidance for the General Qualifications Alternative Awarding Framework sets out that an appeal is 'not an investigation by the awarding organisation but an evaluation of the Learner's result in light of the grounds of appeal'. This document may be found at: <https://www.gov.uk/government/publications/general-qualificationsalternative-awarding-framework>

When considering an appeal, the awarding organisation will consider the factors raised by the appeal and attach such weight to them as it considers appropriate. For example, the Ofqual Guidance explains at paragraph 8 that 'whether a Learner raised any objection to the inclusion or exclusion of particular evidence before the determination of the TAG is a factor which an awarding organisation may take into account, but it should not be determinative. Similarly, a failure by a Centre, prior to the determination of the TAG, to disclose to the Learner what evidence they would rely on might or might not be a relevant factor'.

The guidance explains that a procedural appeal requires the awarding organisation to 'consider whether there is sufficiently persuasive evidence that the Centre deviated from its own procedures in the way(s) identified by the Learner in the grounds of appeal. The determination of such an appeal does not require a comprehensive or step-by-step evaluation of the merits of the procedure set by the Centre. The appropriateness of the

Centre's procedure will have been checked by the awarding organisation as part of its external quality assurance. The question on appeal is whether the Centre followed that procedure properly and consistently in arriving at the Learner's TAG'.

As procedures are evaluated at the centre review stage, it is expected that most procedural errors and centre administrative errors will have already been rectified by the centre before an appeal is submitted.

Where an appeal is made on the grounds of an unreasonable exercise of academic judgement (either in the choice of evidence from which to determine the grade and/ or the determination of that grade from the evidence), the awarding organisation will take into account Ofqual's guidance which sets out that the starting point is the Teacher Assessed Grade itself and not any alternative grade put forward as part of the appeal. Therefore, the focus of any appeal will be on whether the Teacher Assessed Grade was unreasonable and not that any other grade or mark would have been reasonable.

As the Teacher Assessed Grade is holistic in nature, the awarding organisation's independent reviewer will take a similarly holistic approach to their decision-making. The purpose of the independent review is not to review the marking of individual assessments.

The independent reviewer will consider whether the original Teacher Assessed Grade decision was **reasonable**. The independent reviewer **will not** consider whether they would have given an alternative grade or whether an alternative grade could also reasonably have been given.

The independent reviewer will consider whether the original Teacher Assessed Grade decision was reasonable on its own terms, not if any alternative proposition for the Teacher Assessed Grade or evidence put forward by the student, would be a more appropriate exercise of academic judgement. There may be a difference of opinion as to the assessed grade without there being an unreasonable exercise of academic judgement. The reviewer will only conclude that there has been an unreasonable exercise of academic judgement if the Teacher Assessed Grade was clearly wrong – i.e. **there was no basis upon which the grade could properly have been given**.

Where the appeal concerns the selection of evidence, the academic decision will be considered in the context of the centre's procedure. Where this sets a starting point that the same evidence will be used for all students in a cohort, the relevant question will usually be whether an academic decision to depart from, or not to depart from, the starting point in respect of the particular student was unreasonable.

Depending on the grounds submitted by the student (procedural/administrative, unreasonableness of academic judgement or both), the awarding organisation may assign the appeal for evaluation either to a member of their staff and/or to an independent reviewer.

An independent reviewer will be a subject expert appointed by the awarding organisation and trained to evaluate appeals. The independent reviewer will have no personal interest in

the decision being appealed and will evaluate any appeal made on the grounds that there was an unreasonable exercise of academic judgement by the centre.

Where the student submits an appeal on more than one ground (e.g. the awarding organisation is asked to review both procedures and the exercise of academic judgement), the appeal process is likely to take longer. This could be an important consideration for students who urgently need the outcome of their appeal.

For appeals on multiple grounds, it is possible that one ground (e.g. a procedural error) could identify an error that impacts the reported Teacher Assessed Grade. The result of this could then be overridden by a second ground of appeal (e.g. the unreasonableness of the Teacher Assessed Grade). An appeal outcome will therefore only be reported when all submitted grounds have been evaluated. It is also possible that the awarding organisation could identify that the grade awarded was not correct on grounds other than the grounds upon which the appeal was submitted. Where this is the case, the awarding organisation will take the appropriate action to correct the grade

### **Reporting the outcome**

As a result of the appeal, the case will either be rejected (disallowed) or upheld (allowed) in whole or in part. The fact that an appeal has been upheld (allowed) will not necessarily result in a grade change for the student.

Where the awarding organisation:

- identifies a procedural error or
- finds alternative evidence should have been included in the range of evidence

and that this may have impacted the Teacher Assessed Grade, they will report these findings to the centre and direct them to review the Teacher Assessed Grade.

The centre must then inform the awarding organisation if it believes there should be a change to the grade. An awarding organisation may impose a change to the grade.

Appeals made on the grounds of procedural error will be evaluated by a staff member or an independent reviewer appointed by the awarding organisation

Following final quality assurance checks, where it considers it appropriate to do so, the awarding organisation will make the grade amendment and report the outcome of the appeal, with reasons for its decision, to the College.

Where an unreasonable exercise of academic judgement is identified by the awarding organisation, the independent reviewer will determine the alternative grade. The awarding organisation will then report the revised grade and outcome of the appeal, with reasons, to the College.

The College must share the outcome of the awarding organisation appeal, and where appropriate the next stage of the process, with the student promptly.

### **3. Stage 3 Appeal**

Following the conclusion of the awarding organisation's appeal process, a student who remains concerned their grade was incorrect may be able to apply for a procedural review to the Exam Procedures Review Service (EPRS) from the relevant regulator. There are EPRS processes for Ofqual (England) and Qualification Wales. The regulators will provide further details about the EPRS processes for summer 2021 before results days this summer.

### **Key Dates for priority appeals\***

10 August to midday 16 August 2021	Window for students to request a centre review
10 August to 20 August 2021	Centres conduct centre reviews
10 August to 23 August 2021	Centres submit appeals to awarding organisations

*\* A priority appeal is only for students applying to higher education who did not attain their firm choice (i.e. the offer they accepted as their first choice) and wish to appeal an A level or other Level 3 qualification result.*

### Key dates for non-priority appeals

From result day to midday 3 September 2021	Window for students to request a centre review
From result day to 10 September 2021	Centres conduct centre reviews
From result day to 17 September 2021	Centres submit appeals to awarding organisations

Publication of GCE AS and A-level results – 10 August 2021

Publication of GCSE results – 12 August 2021

## **Timescales**

Awarding organisations will aim to complete appeals as soon as possible and particular efforts will be made for those appeals that have been identified as priority appeals for students applying to higher education who did not attain their firm choice (i.e. the offer they accepted as their first choice) and wish to appeal an A level or other Level 3 qualification result.

The awarding organisations will aim to complete Stage Two of the appeals process (the awarding organisation appeals stage) within **42 calendar days** of the receipt of the application.

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

The timescales for Stage One of the appeals process (the centre review) are suggested timescales to enable centres to submit appeals to the awarding organisation within the deadlines set out in the previous page. Centres may set their own deadlines for centre reviews, and College reserve the right to alter these up to and including the results day for the relevant qualification.

Priority appeals that aren't submitted to the awarding organisation by 23 August 2021 will still be treated as a priority and awarding organisations will endeavour to process them as promptly as possible. There is, however, a risk they may not be completed in time for those with a higher education place dependent on the outcome of the appeal.