



VTCT

A Guide to the Appeals Process

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Introduction

1. This information sheet sets out the processes for appealing against decisions made by VTCT in relation to Principal Learning, Project, Functional Skills and Essential Skills (Wales) Qualifications. If the qualification you are concerned about is not one of these types, then please see the VTCT centre handbook.
2. The JCQ Awarding Bodies are working towards a common set of procedures for the receipt and processing of appeals. VTCT is not a member of JCQ, however align all processes and procedures relating to post-results and we will accept any documentation provided in either VTCT or JCQ formats. These procedures are governed by the regulator's Code of Practice for GCSE, GCE, Principal Learning and Project qualifications. All mention in this document to the "Code of Practice" refers to this document which is published annually by the three regulators for England, Wales and Northern Ireland (Ofqual, Welsh Government and CCEA).
3. VTCT accepts appeals in relation to three areas of their work. These are:
 - **Appeals against results** – when a centre is still dissatisfied with its examination result or results following the Enquiries about Results procedure.
 - **Appeals against malpractice decisions** – following a decision to apply a penalty because of malpractice in the examination/assessment.
 - **Appeals against decisions made in respect of access arrangements and / or special consideration.**

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

4. This information sheet devotes a separate section to each of these types of appeals. As there is a similarity of approach in the way all appeals are handled, there will be some repetition in the presentation of this information. It is hoped that this will assist the reader in understanding of the relevant process and the issues.

5. If there is any aspect of VTCT's interpretation or application of the procedures described in this information sheet a centre would wish to query or discuss, centres should not hesitate to contact VTCT using the contact details provided at the end.

Fees

6. VTCT charges a fee of £30 for an appeal against the outcome of an Enquiry about Results (EAR). The fee will be refunded if a subsequent appeal is successful.

Appeals against the outcomes of enquiries about results (EARs)

Introduction

7. If a Head of Centre is dissatisfied with examination results has reasons to suspect they may not be accurate, the first step to take is to make an 'enquiry about results.' Full details of the enquiries about results services are given in VTCT's information sheet 'Post-Results Services.'
8. If the doubts about the accuracy of the results still persist, following the enquiry about results process, the Head of Centre should refer initially to the regulator's Code of Practice and the 'Post Results Services – Information and guidance to centres.' If, after consulting these documents, the centre 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.
9. If an appeal is accepted, an investigation into the 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.
10. **If an original script has been returned to the centre under the Access to Scripts arrangements, it cannot subsequently form part of an enquiry about results or an appeal.**

Who can appeal?

11. Appeals are accepted from Heads of Centres on behalf of single candidates or groups of candidates
12. Please note that appeals are not accepted from internal candidates and/or their parents or carers.

How to appeal

13. The Head of a Centre should submit a written request for a Stage 1 Appeal to VTCT. The address is provided in Appendix A at the end of this information sheet where there is also a form (VTCT/App1) that may be used.
 14. **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.
 15. The Head of Centre submitting the appeal must set out as clearly as possible the nature of the concern.
 16. The Code of Practice issued by the regulators (Ofqual, Welsh Government 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.
 17. When an application for an appeal is received, VTCT has various mechanisms for deciding whether it will be accepted or not. VTCT will refer the application to a senior manager.
 18. The decision whether or not to accept the appeal is based on:
 - the grounds for the appeal put forward by the centre ;
 - whether an appropriate enquiry about result has been completed;
 - the timescale of the application.
- . If an appeal is not accepted, the reason(s) for this will be given.

Appeals

19. If the Head of Centre remains dissatisfied with the outcome of the enquiry about results (EARs) a written request (using the form, VTCT/App 1) for a Stage 1 Appeal should be sent to VTCT. A copy of this form and VTCT's contact details are provided in Appendix A.
20. A request for a Stage 1 Appeal must be made within two calendar weeks of receipt of the outcome of the enquiry about results (EARs) letter. 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 a Stage 1 Appeal investigation?

21. Stage 1 of the Appeals Process involves an examination 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 (Head of Centre).
22. 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.
23. An appeal investigation does not generally involve a further review of the candidates' work, but such action may be authorised following the Stage 1 or Stage 2 Appeal.

24. 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 JCQ agreed procedures.
25. A report on the Stage 1 Appeal investigation detailing the awarding body's decision will be sent to the Head of Centre
26. Awarding bodies will deal with Stage 1 Appeals as quickly and thoroughly as is possible.

Stage 2 Appeals

27. If the Head of Centre remains dissatisfied with the outcome of the Stage 1 Appeal, a written request (using the form, VTCT/APP 1) for a Stage 2 Appeal should be sent to VTCT. (Contact details are provided in Appendix A)
28. **A request for a Stage 2 Appeal must be made within two calendar weeks of receipt of the Stage 1 Appeal outcome letter.**
29. The Stage 2 Appeals process is designed to ensure that the Head of Centre 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.
30. For a Stage 2 Appeals hearing, VTCT convene a panel of 3 people, 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. At least one of the panel members will be an 'independent member' as defined by the Code of Practice. (Independent members are individuals who are not, and have not been, a member of the awarding organisation, at any time during the previous five years.) Each member will be asked to confirm that

they have not had a previous connection with, or any personal interest in the case.

The Procedure for hearing appeals:

Before the hearing

31. The Head of Centre (the appellant) will have lodged a Stage 2 Appeal application within two calendar weeks of being notified of the outcome of the Stage 1 Appeal review.
32. **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 will be limited opportunities to submit additional information later on in the process. VTCT reserves the right to produce material in rebuttal of any appeal application.**
33. Appellants will be expected to attend the Stage 2 Appeal hearing in person.
34. If, when notified of the date set for the appeal panel hearing, the appellant does not attend the hearing, the hearing may proceed in their absence.
35. The appellant may call any witness(es) relevant to the case but names and addresses of all witness(es) **must** be provided to VTCT **no later than 14 days before the date of the hearing**. It would not generally be expected that the centre's representatives and witness(es) would exceed three in number.

36. VTCT may also call any witness(es) relevant to the case. It would not ordinarily be expected that VTCT's representatives and witness(es) would exceed three in total.
37. Candidates and/or their parents/carers will not ordinarily be called as witness(es) 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 of any parties at the hearing but they may make statements, at the discretion of the Chair of the Panel.
38. The VTCT Chief Executive has the right to attend any appeal in the capacity either as a representative or as an observer.
39. Other observers may attend hearings with the approval of the Chair.
40. Legal representation is not normally permitted at Stage 2 Appeal hearings as a Stage 2 Appeal hearing is not a legal function.
41. In the event that an appellant wishes to be legally represented, this **must** be discussed with VTCT before a hearing date is finalised. In the event that legal representation for appellant is agreed, VTCT reserves the right to be legally represented also.
42. 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.
43. Where any material is considered by VTCT to be of a confidential nature, VTCT may, at its discretion, make such material available to the appeal hearing under such conditions as are necessary to protect the confidentiality

of the material, and ensure compliance with any relevant provisions of the Data Protection Act.

At the hearing

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

46. The purpose of the hearing will be to establish whether or not VTCT has applied its established procedures, as derived from the Code of Practice, and whether those procedures were appropriate to the task.

46. The normal procedure to be followed during appeals hearings is outlined below.
 - 46.1 A member of the Panel will Chair the hearing.
 - 46.2 VTCT will be responsible for ensuring that a record of the proceedings is kept.
 - 46.3 The Chair will undertake introductions, outline the procedures to be followed and, if appropriate, provide a summary of the case.
 - 46.4 The Chair may, at his/her discretion, accept written evidence from a witness unable or unwilling to attend a hearing.
 - 46.5 The Chair will invite the appellant to present their case to the Panel.
 - 46.6 The Chair will then offer the representative(s) of VTCT the opportunity to question the appellant.
 - 46.7 The Chair and the Panel members will then have the opportunity to question the appellant.
 - 46.8 The Chair will then invite the representative(s) of VTCT to present their case to the Panel.

- 46.9 The Chair will offer the appellant the opportunity to question the VTCT representative(s).
- 46.10 The Chair and the Panel members will then have the opportunity to question the representative(s) of VTCT.
- 46.11 The Chair will offer the representative(s) of VTCT an opportunity to sum up their case, if they wish to do so.
- 46.12 The Chair will then offer the appellant an opportunity to sum up their case, if they wish to do so.
- 46.13 The Chair will then invite the appellant and their witness(es) and VTCT 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 VTCT representative(s).
- 46.14 If the Panel determines that they do wish to ask further questions, both the appellant and their witness(es) and VTCT representative(s) will be asked to return to the hearing.
- 46.15 At the conclusion of all questions, the Chair will inform the appellant, and their witness(es) and VTCT representative(s) that the hearing is concluded and that they may leave.

47. The Panel will deliberate in private and members may decide to:

- allow the appeal
- to reject the appeal
- to refer the matter back to the appropriate VTCT Officer for further consideration on such basis as the Panel may direct.

48. In reaching its decision, the Appeals Panel will consider whether VTCT procedures were consistent with the regulator's Code of Practice and were properly and fairly applied, and whether in the event of a failure of procedures having been identified at an earlier stage, any remedial action subsequently taken by VTCT was sufficient to rectify that failure.

After the hearing

49. If the Appeal is upheld, the Panel may direct VTCT to carry out further work. In addition, and irrespective of whether or not the Appeal is upheld, the Panel may make recommendations to VTCT on issues/concerns that emerged during the Appeal hearing.
50. Any further work will always be carried out in full compliance with the Code of Practice and VTCT agreed procedures
51. The decision of the Appeals Panel will not normally be communicated to the appellant or to VTCT representatives orally on the day of the hearing but it will be sent to the appellant and to VTCT representative(s) no later than five working days after the hearing.
52. A report of the hearing will be provided to the appellant and to VTCT representative(s) within 28 calendar days of the hearing.
53. The appellant and VTCT 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 VTCT representatives will be at the sole discretion of the Chair of the Appeals Panel.
54. **The hearing by the Appeals Panel will complete VTCT's internal appeals procedures and no further appeal within VTCT will be accepted.**

Further avenues of appeal

54. If the appellant remains dissatisfied with the decision of the Appeals Panel, he or she may appeal to the Examinations Appeals Board (EAB). The Examinations Appeals Board is an independent body which has been set up to ensure that schools and colleges, and through them candidates and parents, are satisfied that grades issued by an Awarding Body are as fair and accurate as they can be.

55. **Appeals to the EAB should be addressed to:**

The Appeals Manager, EAB, 83 Piccadilly, London W1J 8QA Telephone: 020 7509 5995. Further information can be found at the web address:

www.theeab.org.uk

56. **Appeals to the EAB 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.**

Timescales

57. VTCT aims to complete the process within 50 working days* of the lodging of the original appeal request. (Ref: 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.*

Appeals against decisions made in cases of malpractice

Introduction

58. **Malpractice is a term used to describe all forms of irregularity or breaches of the regulations in examinations and assessments;** for example, plagiarism in coursework, the introduction of unauthorised material into the examination room or **maladministration.**
59. VTCT decisions on malpractice cases are based 'Suspected Malpractice in Examinations and Assessment: Policies and Procedures.' This information can be obtained from the VTCT Centre Handbook, published on the VTCT website.
60. Decisions in cases of suspected malpractice are made by the VTCT Quality Assurance Team. In cases of serious malpractice the decision may be made by a committee of senior managers.
61. Appeals may be initiated against a sanction imposed by the awarding body in cases of malpractice. **It is not possible to appeal against a decision to take no further action.**

Who can appeal?

62. Heads of Centres may appeal against sanctions affecting the centre or members of its staff (including contracted workers), and on behalf of candidates entered or registered through the centre.
63. Members of the centre's staff or personnel contracted to a centre (e.g. external invigilators) may appeal against sanctions imposed on them.
64. Third parties who have been barred from taking examinations or assessments with an awarding body may appeal against that decision.
65. **Please note that internal candidates and/or their parents/carers are not entitled to appeal directly to the awarding body, but must make representations to the Head of Centre where the candidate was registered. The Head's decision as to whether to proceed with an appeal is final.**

How to appeal

66. A Head of Centre, member of staff should submit a written request for an appeal to the relevant awarding body. A list of the awarding bodies' addresses is provided in Appendix A at the end of this information sheet where there is also a form (VTCT/App1) that may be used.
67. **Appeals must be made within two calendar weeks of receiving the malpractice decision.**
68. The Head of Centre or member of staff submitting the appeal must set out as clearly as possible the grounds for the appeal and must submit any further evidence relevant to supporting the appeal.
69. **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 VTCT Centre Handbook Suspected Malpractice in Examinations and Assessment;
 - further evidence (including medical evidence) has come to light which changes the basis of the decision.
70. 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.
71. VTCT reserve the right to refuse to accept an appeal application at this point if there is no further evidence to consider and if the grounds for the appeal are weak or unjustified.

What happens during a Malpractice Appeal investigation?

72. When an appeal is received, it is checked by the Quality Assurance Manager or in their absence another nominated independent manager to see if the context and grounds of the appeal are valid, and how it may best be processed. VTCT will contact the centre to acknowledge receipt of the appeal and advise on the process to be followed.
73. At this stage, certain types of appeal may be resolved without the need of a formal hearing.
74. VTCT retains a committee of external and independent members whose role it is to consider appeals against malpractice decisions.
75. If the appeal goes forward for a formal consideration by the committee (or a Panel of the committee) VTCT will liaise with the appellant to determine an appropriate time for the hearing and whether the appellant will be required to attend or not.
76. 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 is set out in this guide.
77. The committee reviewing the case will decide on the appropriateness of the original penalty or sanction in light of the VTCT guidelines precedents and additional information provided by the appellant making the appeal.

Further avenues of appeal

78. The decision of the Malpractice Appeals Committee or Panel is final and there are no further avenues of appeal against decisions taken by awarding bodies in cases of malpractice. The EAB does not hear appeals against malpractice decisions.

Timescales

79. All appeals will be dealt with as expeditiously as is consistent with a thorough exploration of the case.

APPEALS RELATING TO ACCESS ARRANGEMENTS AND SPECIAL CONSIDERATION

Introduction

80. VTCT recognises that there are some candidates who are prevented from demonstrating their achievement because of:
- a permanent or long-term learning disability, learning difficulty or medical condition;
 - a temporary disability, illness or indisposition;
 - English being a second or additional language;
 - the immediate circumstances of the assessment.
81. **Access arrangements** are approved before an examination or assessment and are intended to allow attainment to be demonstrated.
82. **Special consideration** is given following an examination or assessment to ensure that a candidate who has a temporary illness, injury or indisposition or who is otherwise disadvantaged by the immediate circumstances of the examination, is given some compensation.
83. All access arrangements and special consideration decisions are based on inter-awarding body agreement. The principles and regulations governing access arrangements and special consideration decisions are set out in the "Access Arrangements and Special Consideration." A copy can be found on the VTCT website.
84. If the Head of Centre disagrees with the decision made, a written request setting out the grounds for an Appeal should be forwarded to VTCT.

Who can appeal?

85. Appeals are accepted from Heads of Centres on behalf of single candidates or groups of candidates.
86. Please note: internal candidates and/or their parents/carers **cannot** appeal to VTCT directly. The final decision in connection with submitting an appeal rests with the Head of Centre.

How to appeal

87. Before undertaking an appeal, it may help if the Head of Centre discusses the situation with the Quality Assurance Manager responsible for appeals. Such discussions will sometimes resolve the matter without recourse to appeal.
88. The appeal request must be made within 2 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 a Stage 1 Appeal investigation?

89. If the Head of Centre disagrees with the outcome of the of a decision regarding Access Arrangements or Special Considerations, a written request for a Stage 1 Appeal hearing should be sent to VTCT. VTCT will make arrangements for a hearing before an Appeals Panel.
90. This appeal request should be made within two calendar weeks of receiving the outcome of theof the original decision . This time scale is determined by the regulators and does not make allowance for the time the centre may be closed for holidays.

91. The procedure followed at the Appeal hearing will be as set out in this information sheet.

Stage 2 Appeals

92. If the head of centre disagrees with the outcome of the Stage 1 Appeal, a written request for a Stage 2 Appeal hearing should be sent to VTCT. The addresses is provided in **Appendix A**. There is also a form (VTCT/App1) that may be used. VTCT will make arrangements for a hearing before a Stage 2 appeals panel.
93. **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.
94. The procedure followed at the Stage 2 Appeal

Further avenues of appeal

95. The decision of the Panel regarding Access Arrangements refused prior to examinations will be final. The Examinations Appeals Board (EAB) does not hear appeals against decisions about Access Arrangements **in advance of** examinations. The EAB may, at its discretion, be willing to hear such appeals after the issue of results. Heads of Centres should contact the EAB directly for further advice.

96. In relation to Special Consideration appeals, the EAB may, at its discretion, be willing to hear an appeal. Heads of Centres should contact the EAB directly for advice. If the EAB declines to hear an appeal, the decision of VTCT Appeals Panel will be final.

Timescales

97. All appeals will be dealt with as expeditiously as is consistent with a thorough exploration of the case.

REVIEW OF ADMINISTRATIVE DECISIONS

98. During the processing of any examination series, circumstances arise that cause VTCT 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 VTCT Senior Managers. **Heads of Centres who are concerned by any such administrative decisions should contact the relevant appeals manager to discuss their concerns.**
99. The more common types of 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 of scripts
 - Decisions taken in cases of missing scripts
 - Decisions involving the use of estimated marks
 - Decisions taken in relation to extensions to Result Enquiries

Appendix A

APPLICATION FOR AN APPEAL

VTCT/App1

Centre Number:

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The details provided on or appended to this form will form the basis of the case being put forward by the appellant.

When completing the details, please pay particular attention to Section 10 of this form, which outlines the grounds for appeal and summarises your reasons for appealing. If you require clarification or assistance, please contact the appropriate Awarding Body officer.

Please indicate the type of appeal or review being initiated

Enquiries about Results	<input type="checkbox"/>	Irregularities/malpractice	<input type="checkbox"/>
Access Arrangements or Special Consideration	<input type="checkbox"/>	Other administrative decision	<input type="checkbox"/>

If this is an appeal against the outcome of an enquiry about results or an access arrangement/special consideration decision, please indicate below whether this is an application for a Stage 1 or a Stage 2 Appeal.

Stage 1	<input type="checkbox"/>	Stage 2	<input type="checkbox"/>
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* Please note that centres cannot proceed to an Appeal regarding the outcome of assessment result(s) unless they have already initiated and EARs and this has been completed.

1. Name of Head of Centre (/member of staff) making the application:

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2. Centre Name:

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3. Address:

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4. Telephone Number:Fax Number:

5. Name and position of person to contact at the centre:

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6. Email address of contact person:

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7. Examination series:

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8. Title and level of specification and unit/component number (if applicable):

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9. Name(s) and candidate number(s) of candidates on whose behalf you are appealing. Additionally, if the appeal is an Enquiry about Results appeal against a specification grade, please indicate the grade being appealed.

Candidate Name	Candidate Number	Grade
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10. Grounds of appeal:

Please state the grounds for this appeal, continuing overleaf as necessary. If the centre attends a hearing, there will be opportunities for further points to be raised during the hearing, but substantive new evidence should not be introduced on the day of the hearing. It is in the interest of all parties that all grounds of appeal are clearly stated in the application.

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11. Names and positions of people attending a appeal, if known:

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Signed:

Date:

(Head of Centre)

Please return the completed form to the VTCT Quality Assurance Manager

If you have not received an acknowledgement within five working days, please contact the relevant awarding body.

VTCT CONTACT POINTS FOR APPEAL

The form and supporting documentation should be returned to:

Gary Mitchell Quality Assurance Manager

VTCT

Prysmian House

Dew Lane

Eastleigh

Hampshire

SO50 9PX

Nicky Ward Chief Examiner

VTCT

Prysmian House

Dew Lane

Eastleigh

Hampshire

SO50 9PX