

GUIDANCE

Statutory guidance: appeals under the GQAA regulatory framework

ofqual

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The Learner's right to a review and appeal

1. The GQAA Framework requires that, where requested by a Learner (including a Private Candidate), a Centre must conduct a procedural and / or administrative review in relation to any Teacher Assessed Grade (TAG) for a GQ Qualification that it determined for that Learner. Where the Learner remains concerned that the TAG is incorrect after that review, the GQAA Framework also requires that the Centre must submit an appeal on the Learner's behalf to the awarding organisation, where requested. An appeal must not be submitted on behalf of a Learner without that Learner's consent.
2. Awarding organisations must take all reasonable steps to ensure Centres have in place the necessary arrangements for Centre reviews and appeals. This means that, as well as providing advice and guidance to Centres, awarding organisations should react promptly should information come to light which indicates any Centre does not have the necessary arrangements in place. This includes, but is not limited to, responding promptly to complaints from Learners that a Centre has refused to conduct a review or submit an appeal.
3. We will expect an awarding organisation to do what it can to try to ensure that a Learner is not disadvantaged where they miss any deadline for submitting an appeal to the awarding organisation because a Centre wrongly fails to conduct a review or submit an appeal for that Learner or does not do so in a timely manner.

Grounds of appeal

4. 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.
5. It is for the Learner to present the grounds of appeal but doing so should not require any particular skill; the most effective grounds of appeal may be those which explain simply and clearly what the Learner considers went wrong and how they think this made a difference to the determination of the TAG by the Centre.

An effective appeals process will lead the Learner step by step to explain, as appropriate:

- a) what they consider the Centre failed to do, why that was a failure to follow the Centre's procedures, and why that failure was important to the determination of the TAG,
 - b) in what way they consider the awarding organisation made an administrative error, and what difference it made to the determination of the TAG,
 - c) in what way they consider there was an unreasonable exercise of academic judgement:
 - i) in the selection of evidence used to determine the TAG,
 - ii) in the determination of a TAG from the selected evidence.
6. An explanation why a Learner considers a decision was unreasonable need not be detailed or complex. The focus should be why the Centre's decision was unreasonable, and not why the Learner might have preferred a different decision. The awarding organisation needs to know:
- a) what evidence the Learner considers should have been included, or excluded, and why they think it was unreasonable to exclude or include it; or
 - b) why the Learner considers the TAG derived from the evidence which was used was unreasonable because, for example, it did not reflect the standard shown by that evidence.
7. It will not usually assist a Learner's appeal to explain whether they consider a procedural error, or an unreasonable exercise of academic judgement, to be deliberate or accidental, or to allege any particular motive. It is not necessary for an awarding organisation to consider such questions to decide the appeal. Rather, the question is whether or not the Centre followed its procedure properly and consistently, or whether or not the determination of the TAG represents an unreasonable exercise of academic judgement.
8. 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.

Procedural and administrative errors

9. A procedural error might be identified by the Centre following a Learner's request for a Centre review or by the awarding organisation where the Learner's grounds of an appeal raise procedural issues. In practice, Centres will usually be best placed to identify whether they have failed to follow their procedures properly and consistently. This means that the majority of such errors are likely to be detected at the Centre review stage.

10. A Centre may identify as part of a Centre review that it made an administrative error in connection with a TAG. Whether an administrative error occurred – for example transposing TAGs for Learners with similar names - is a matter of fact, which can be determined by the Centre on the information available to it.

11. In rare cases, where a Learner who requested a Centre review on the basis only of administrative error then intends to appeal to the awarding organisation on procedural grounds, it may assist the Learner for the Centre to review the procedural grounds identified by the Learner with a view swiftly to identifying whether it agrees that it failed to follow its procedure properly or consistently. This would involve the Centre remaking its review decision and communicating any new proposed TAG to the awarding organisation accordingly under Condition GQAA4.4.

12. Where a Learner's appeal includes procedural grounds, the awarding organisation must 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.

13. A Learner may appeal on the basis that the awarding organisation introduced an administrative error, for example when issuing a revised result following the Centre review or by transposing TAGs for Learners with similar names when issuing results. Where such an error occurs, Centres will be well

placed to assist awarding organisations to consider such appeals by supporting the Learner to identify and explain the error in their grounds of appeal.

Academic judgement

14. Awarding organisations must have in place an appeal process which includes arrangements for an appeal to the awarding organisation on the basis that a result reflects an unreasonable exercise of academic judgement by the Centre.
15. The appeal must be upheld if the person determining the appeal considers the TAG determined by the Centre represents an unreasonable exercise of academic judgement. This might occur in two ways:
 - a) the Centre's judgement as to the evidence which should be used to determine a TAG was unreasonable, or
 - b) the Centre's judgement as to the TAG indicated by the evidence it selected was unreasonable.
16. We set out below our guidance on unreasonable academic judgement in respect of results derived from TAGs.
17. Where academic judgement must be exercised, there will often be a range of different decisions which could reasonably be made in the circumstances. It is only where the original decision represents an unreasonable application of academic judgement that a result will be incorrect. For example, a decision to award a grade B will not be unreasonable where the decision maker for the appeal considers the evidence would support either a grade A or a grade B; both would be reasonable and therefore neither would be unreasonable.
18. The starting point for considering whether a TAG represents an unreasonable exercise of academic judgement is always the TAG itself, and not any alternative TAG which the Learner considers could or should have been determined.
19. A TAG represents an academic judgement of the Learner's performance and is holistic in nature. In considering an argument that academic judgement

was unreasonable, it will be appropriate for the decision-maker to take a similarly holistic approach. The question is whether the original academic decision is one which could reasonably have been made, not whether different decisions might also have been justified.

20. An exercise of academic judgment will not be unreasonable simply because a Learner considers that different evidence should have been selected, or that the evidence which was selected could have supported a higher result. There will often be a range of different decisions which could reasonably be made in relation to the inclusion or exclusion of evidence, or the weighting of that evidence, in the determination of a TAG. Although a person carrying out an appeal will consider the Learner's proposition, the question is not whether that alternative proposition would be a more appropriate exercise of academic judgement – or whether the decision-maker would have determined a different TAG – but whether the original decision was unreasonable on its own terms.
21. Where the appeal concerns the selection of evidence, the academic decision should be considered in the context of the Centre procedure. In particular, where the Centre procedure sets a starting point that the same evidence will be used for all Learners 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 Learner was unreasonable. That question should be considered in the context of our [Information for heads of centre, heads of department and teachers on the submission of teacher assessed grades: summer 2021](#) which states that as far as possible, the sources of evidence used by a Centre to determine TAGs for a particular qualification should be consistent across a class or cohort of Learners, as well as the guidance provided for centres by awarding organisations.

Correcting results

22. Condition GQAA4.10 requires that an awarding organisation must have regard to our Guidance on Correcting Incorrect Results, published under General Condition H6.3(b)(i), whenever it identifies an incorrect result through the review and appeals process. In practice, this might arise:

- a) Following a Centre review, where having considered the outcome of that review the awarding organisation must decide whether to issue a revised result for the Learner who requested the review;
 - b) Following an appeal, where the awarding organisation finds that the result for the Learner who requested the appeal was incorrect;
 - c) Following a Centre review or an appeal, where the awarding organisation discovers that a result issued to a different Learner was incorrect.
23. Not all procedural and administrative errors will affect the Learner's TAG. In some cases it will be clear that had the error not occurred, a different TAG would have been determined, but in other cases it will be clear to the person conducting the review or appeal that the issue had no effect on the TAG.
24. Where an awarding organisation determines that a procedural or administrative error has occurred, but that error did not affect the TAG, it should make that fact plain when it reports the outcome of the appeal.
25. Where an awarding organisation decides, following an appeal, that the result for the Learner who requested the appeal should be changed, it may seek the views of the Centre as to an appropriate revised result. In such cases, the awarding organisation must have regard to the Guidance on Correcting Incorrect Results when deciding whether the revised result should be in line with the Centre's views.
26. An incorrect result may be too low or too high. Whenever an awarding organisation identifies an incorrect result through the review and appeals process established under Condition GQAA4, it must decide whether to correct it, which may mean increasing or lowering the result. Our Guidance on Correcting Incorrect Results explains the factors an awarding organisation should take into account in deciding whether to correct the result.
27. The [Guidance on Correcting Incorrect Results](#) indicates that the default position is that an awarding organisation should correct an incorrect result unless it would not be reasonable to do so in light of any negative impact that correction might have. The Guidance then provides a series of factors to support the awarding organisation's analysis in that regard. Where the outcome of an appeal indicates that a result for the Learner who requested the appeal was too low, it is our expectation that the factors identified in

the Guidance on Correcting Incorrect Results will usually indicate that result should be corrected.

28. Awarding organisations must provide guidance for Centres in respect of the Centre review. That guidance should include assistance for Centres in relation to reviews which indicate that a result is too high. In particular, awarding organisations should assist Centres to identify those aspects of the Guidance on Correcting Incorrect Results which will help the Centre to decide whether to propose a replacement result should it identify through a review:

- a) that the result subject to that review (awarded to the Learner who submitted the review) may be too high, and
- b) that another result may be too high.

29. Awarding organisations should include in the guidance they provide for Centres advice on the management of procedural and administrative reviews where an error is identified which does not affect the TAG.



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