

# **Internal Appeals Process for Decisions Made in Cases of Exam Malpractice**

## **March 2023**

Approved by Local Governing Body

Chair of Governors: John Garner

Date: 31st March 2023

Review date: September 2023

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# 1. Policy aim and statement

This policy sets out the procedures to be followed in the event that a candidate wishes to request an appeal against a finding of malpractice by an awarding body in the assessment of assessed qualifications.

This policy is to be read in conjunction with our assessment reporting and examinations policy and the JCQ's 'suspected malpractice in examinations and assessments policies and procedures' and 'A guide to the awarding bodies' appeals processes' documents (as amended from time to time). The school will also comply with any guidance issued by the awarding bodies in reporting and appealing any instances of malpractice.

## 2. Procedure

Following an investigation into allegations of exam malpractice which have been reported to the relevant awarding bodies, the malpractice committee of the awarding bodies will decide:

- Whether or not there has been malpractice; and
- If malpractice is established, whether a sanction should be applied.

Once a decision has been made, it will be communicated in writing to the head of centre (i.e. the headteacher) as soon as possible.

The awarding bodies have established procedures for considering appeals against penalties arising from malpractice decisions. Appeals may only be initiated by the head of centre against a finding of malpractice and/or the sanction imposed by the awarding body against a candidate; however, it is not possible to appeal against a decision to take no further action or against a sanction which is perceived to be too lenient.

The JCQ guidance states that candidates and/or their representatives/parents/carers are not entitled to appeal directly to the awarding body. Representations must be made to the head of centre (i.e. the headteacher) in accordance with this internal appeals process.

This policy has been drafted so that the school can satisfy the requirements and timescales of the JCQ guidance which states that, "Appeals should be made within two calendar weeks of receiving the malpractice decision. Awarding bodies may reject appeals made outside of this timescale."

### Stage 1 – Representations to the headteacher

If after receiving the decision and/or sanction issued by the awarding body as to malpractice the candidate wishes to request an appeal, written representations (with evidence where relevant) must be made to the headteacher, as head of centre within 2 working<sup>1</sup> days of receipt of the decision. Representations should be sent to the headteacher in writing, by email or letter, using the school's main email address: [office@ruisliphigh.com](mailto:office@ruisliphigh.com) or by post (recorded delivery) to Ruislip High School, Sidmouth Drive, Ruislip, HA4 0BY. The school may suggest alternative arrangements if this is during the school holidays.

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<sup>1</sup> If appeals are made during the school's summer holiday, two days will refer to working days, Monday to Friday, during the holidays, as the awarding body's give two calendar weeks to respond to their decision irrespective of the school holidays.

It should be noted that the JCQ guidance (“A guide to the awarding bodies’ appeals processes – effective from 17 August 2017”) states the following:

“Appeals must be based on reasonable grounds which relate to the incident in question. The following are accepted as reasonable grounds (although please note this is not an exhaustive list):

- The incident was not dealt with in accordance with the published procedures in the JCQ publication suspected malpractice in examinations and assessments;
- The decision was unreasonable in light of the evidence presented;
- Further evidence has come to light which changes the basis of the decision;
- The sanction imposed is disproportionate to the seriousness of the malpractice.

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

The headteacher shall review the written representations and shall make a decision within 2 working days as to whether to proceed with an appeal on behalf of the candidate.

The headteacher will communicate the school’s decision with reasons to the candidate in writing.

The headteacher may exercise discretion about:

- Whether to ask the awarding bodies for an extension of time for submitting an appeal; and
- Extending the timescales for the receipt of representations from the candidate and / or communicating the decision about whether to proceed with the appeal on behalf of the candidate.

If the headteacher is unavailable to deal with an appeal, he/she can be deputised by the Senior Deputy Headteacher.

## **Stage 2 - Internal appeal to the chair of governors**

If the headteacher declines to proceed with an appeal on behalf of the candidate and the individual is not satisfied with this decision, there is a further opportunity to appeal to the chair of governors within 10 working days of receipt of the headteacher’s decision. The candidate must submit written representations (with evidence where relevant) addressed to the clerk to the governors, in writing, by email or letter, using the school’s main email address: [office@ruisliphigh.com](mailto:office@ruisliphigh.com) or by post (recorded delivery) to Ruislip High School, Sidmouth Drive, Ruislip, HA4 0BY.

The chair of governors will consider the representations and the headteacher’s reasons for declining to proceed with an appeal and communicate his or her decision within 2 working days from receipt of the individual’s representations in writing. The chair of governors must set out the reasons for which the appeal should be allowed or refused, as detailed above. If the chair of governors decides that the school should proceed with an appeal on behalf of the school, he or she must inform the headteacher without delay with the reasons why.

The chair of governors may exercise discretion about:

- Whether to ask the awarding bodies for an extension of time for submitting an appeal; and

- Extending the timescales for the receipt of representations from the candidate and / or communicating the decision about whether the school should proceed with the appeal on behalf of the candidate.

The chair of governors may delegate the requirement to consider a Stage 2 appeal to any member of the school's local governing body.

### **Stage 3 - External appeal**

If the School agrees to proceed with an appeal on behalf of a candidate (either under Stage 1 or Stage 2 of this policy), the headteacher should submit a written request for an appeal to the relevant awarding body without delay. A list of the awarding bodies' addresses is provided in appendix A, and a template notification form can be found in appendix B.

The headteacher may exercise discretion about whether to ask the awarding bodies for an extension of time for submitting an appeal at this stage.

The headteacher submitting the appeal must set out as clearly and concisely as possible the grounds for the appeal (as detailed above) and must include any further evidence relevant to supporting the appeal.

Once the appeal has been received by the awarding bodies, it will be handled in accordance with the JCQ appeals process mentioned above.

This policy sets out the school's internal appeals policy in accordance with the JCQ guidance and is separate to any sanctions / review process in accordance with the school's behaviour policy.

## **Appendix A**

**The form and supporting documentation should be returned to:**

### **AQA**

Head of Performance Standards

AQA

Devas Street

Manchester

M15 6EX

[appeals@aqa.org.uk](mailto:appeals@aqa.org.uk)

### **CCEA**

Business Assurance Manager

Clarendon Dock

29 Clarendon Road

Belfast

BT1 3BG

### **OCR**

Appeals Team

OCR

1 Hills Road

Cambridge

CB1 2EU

[appeals@ocr.org.uk](mailto:appeals@ocr.org.uk)

### **Pearson**

Appeals Office

One90 High Holborn

London

WC1V 7BH

[edexcelappeals@pearson.com](mailto:edexcelappeals@pearson.com)

### **WJEC City & Guilds**

Assistant Director (Customer Support) 1 Giltspur Street

WJEC London

245 Western Avenue EC1A 9DD

Cardiff

CF5 2YX

[appeals@wjec.co.uk](mailto:appeals@wjec.co.uk)

## Appendix B

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 relevant awarding body.

### Please indicate the type of appeal or review being initiated

	Post-results service
	Malpractice
	Access arrangements, reasonable adjustments or special consideration
	Review of other administrative decisions

If this is an appeal against the outcome of a clerical re-check, a review of marking, a review of moderation or an access arrangement/special consideration decision, please indicate below whether this is an application for a preliminary appeal or an appeal hearing.

	Preliminary appeal
	Appeal hearing*

**\*Please note that an appellant cannot proceed to an appeal hearing unless they have already initiated a preliminary appeal and this appeal has been completed.**

1. Name of appellant:
2. Centre name:
3. Address:
4. Telephone number:
5. Name and position of person to contact at the centre:
6. Email address of contact person:
7. Examination series:
8. Title and level of specification:
9. Name(s) and candidate number(s) of candidate(s) on whose behalf you are appealing (where applicable).

Candidate name	Candidate number	Component/unit code

(Continue on another sheet if necessary.)



10. Grounds for appeal:

Please state the grounds for this appeal, continuing overleaf as necessary, and attach all supporting documentation. 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 for appeal are clearly stated in the application.

11. Names and positions of people attending an appeal hearing:

Signed (Appellant):

Date:

**Please return the completed form to the relevant awarding body. If you have not received an acknowledgement within five working days, please contact the awarding body.**